

To: Breen, Barry[Breen.Barry@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]
Cc: Hilosky, Nick[Hilosky.Nick@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; ORCR IO[ORCR_IO@epa.gov]; Lowery, Brigid[Lowery.Brigid@epa.gov]
From: Johnson, Barnes
Sent: Fri 3/24/2017 6:08:08 PM
Subject: FW: Questions for Discussion in Williamsburg (IMCC Meeting)
17am Final Agenda StateFederal Session.doc

Dear Barry/Nigel,

I am sharing this as an FYI and out of an abundance of caution. As you know we vetted this with AO and I am planning to represent EPA at this meeting. The IMCC outlines issues below that they want me to discuss. I am told by IMCC executives that their meets are open and that members of the Press can attend if they wish. They shared that this seldom happens and at this point in time they have no indication that Press will be there. You will also see there is talk of a more in depth engagement with IMCC in May, which we will follow-up on.

Take care,

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | @EPAland

From: Beth Botsis [mailto:bbotsis@imcc.isa.us]
Sent: Thursday, March 23, 2017 5:57 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: 'Greg Conrad' <gconrad@imcc.isa.us>
Subject: Questions for Discussion in Williamsburg (IMCC Meeting)

Dear Barnes:

Greg and I spoke earlier about questions and areas of interest for discussion at the April 3 meeting related to CERCLA 108(b). We may also want to pursue some of these questions in more depth than time in Williamsburg will allow for during the meeting we hope to have with EPA in mid-May.

Our focus and concerns are with the state program perspective, rather than the industry perspective, related to the rule. This is the case for the discussions in Williamsburg and going forward. We continue to have serious concerns about preemption and are not confident that EPA fully understands the state programs, particularly regarding their provisions for financial assurance coverage for hazardous releases. This is very important to the states. A meeting in mid-May could provide another opportunity for the states to express their sincere concerns in an effort to get EPA and the states on the same page. To accomplish this in a meaningful way, we also believe more time is necessary than the December 1 final rule deadline allows for. For this reason, the state AGs are prepared to support any effort by EPA to pursue an extension of the December 1 final rule deadline with the court, or possibly initiate action on their own to pursue such an extension. Until the proposed rule was issued, we didn't know what we were up against. Now that we have seen it, more time would provide a needed opportunity for the states to work with EPA and for EPA to better understand state programs.

For the meeting in Williamsburg, some questions we would be interested in hearing from you on are:

After the federalism assessment and SBREFA assessment, is EPA feeling more or less inclined to move toward a more robust implementation of the use of the reductions and exemptions where there are state program requirements in place?

Regarding the 13 response item categories, is EPA still finding these to be solid categories for the rule's focus, and solid categories on which to base reductions to and/or exemptions from financial assurance?

Is EPA still feeling confident about the formula for calculating financial assurance?

We are concerned about preemption, but aside from that, there are also practical concerns about implementation and how this is going to play out. Specifically, how will this rule interact with the state programs?

In addition to the above, we welcome any questions you may have for the states related to CERCLA 108(b) or the state programs.

I have attached a copy of the Monday session agenda, which consists mainly of a list of federal people who will participating that day. We will be meeting in the James River Ballroom Sections C & D for both the continental breakfast at 8:00 a.m. and the State/Federal Session starting immediately after the Welcome Speaker, who is scheduled to begin at 8:30 a.m. We have also reserved a space for you during the roundtable luncheon scheduled from Noon to 1:30 p.m. that day.

Hopefully the above will be helpful as you prepare for the meeting on April 3. If you have any additional questions, feel free to contact us. Thank you for your willingness to take time out of your busy schedule to meet with us. We look forward to having you join us in Williamsburg.

Best regards,

Beth

Beth A. Botsis

Deputy Executive Director

Interstate Mining Compact Commission

445A Carlisle Drive

Herndon, VA 20170

Ph: 703.709.8654

Fax: 703.709.8655

Email: bbotsis@imcc.isa.us

Website: www.imcc.isa.us



To: Foster, Barbara[Foster.Barbara@epa.gov]
From: Noggle, William
Sent: Fri 11/17/2017 12:08:16 PM
Subject: RE: 108(b) Hardrock Mining Rule

Ex. 5 - Deliberative Process

From: Foster, Barbara
Sent: Thursday, November 16, 2017 11:15 PM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: 108(b) Hardrock Mining Rule

The most recent draft of the final rule is attached.

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Foster, Barbara[Foster.Barbara@epa.gov]
Cc: Johnson, Barnes[Johnson.Barnes@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Noggle, William
Sent: Fri 11/17/2017 12:06:23 PM
Subject: RE: 108(b) Hardrock Mining Rule

Thanks Barbara. Is this ready for distribution to Byron, Barry, Veronica, and David F. for a quick review this morning?

Rob, **Ex. 5 - Deliberative Process/Attorney Client**

From: Foster, Barbara
Sent: Thursday, November 16, 2017 11:15 PM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: 108(b) Hardrock Mining Rule

The most recent draft of the final rule is attached.

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]
From: Noggle, William
Sent: Thur 11/16/2017 4:33:36 PM
Subject: FW: CERCLA 108(b) - helpful language for the rewrite

fyi

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto:**Ex. 6 - Personal Privacy email**]
Sent: Thursday, November 16, 2017 11:21 AM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Laity, Jim A. EOP/OMB <James_A._Laity@omb.eop.gov>; DeBruhl, Brandon F. EOP/OMB
Ex. 6 - Personal Privacy email; Jones, Danielle Y. EOP/OMB
Ex. 6 - Personal Privacy email
Subject: CERCLA 108(b) - helpful language for the rewrite

Hi Bill -

Ex. 5 - Deliberative Process

Thanks,
Pablo

Ex. 5 - Deliberative Process

To: Noggle, William[Noggle.William@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]
From: Stachowiak, Robert
Sent: Wed 11/15/2017 3:58:01 PM
Subject: RE: CERCLA 108(b) - helpful language for the rewrite

Ex. 5 - Attorney Client, Deliberative Process

-----Original Message-----

From: Noggle, William
Sent: Wednesday, November 15, 2017 10:39 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: CERCLA 108(b) - helpful language for the rewrite

Ex. 5 - Attorney Client, Deliberative Process

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto:Ex. 6 - Personal email]
Sent: Wednesday, November 15, 2017 9:42 AM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Laity, Jim A. EOP/OMB <Ex. 6 - Personal email>; Jones, Danielle Y. EOP/OMB
<Ex. 6 - Personal email>; DeBruhl, Brandon F. EOP/OMB
<Ex. 6 - Personal email>
Subject: CERCLA 108(b) - helpful language for the rewrite

Hi Bill -

Ex. 5 - Deliberative Process

Thanks,
Pablo

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]
From: Noggle, William
Sent: Wed 11/15/2017 3:38:56 PM
Subject: FW: CERCLA 108(b) - helpful language for the rewrite

Ex. 5 - Attorney Client

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto:**Ex. 6 - Personal Privacy email**]

Sent: Wednesday, November 15, 2017 9:42 AM

To: Noggle, William <Noggle.William@epa.gov>

Cc: Laity, Jim A. EOP/OMB **Ex. 6 - Personal Privacy email**; Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email DeBruhl, Brandon F. EOP/OMB

Ex. 6 - Personal Privacy email

Subject: CERCLA 108(b) - helpful language for the rewrite

Hi Bill -

Ex. 5 - Deliberative Process

Thanks,
Pablo

Ex. 5 - Deliberative Process

To: MarkJ Huff[Huff.MarkJ@epa.gov]
From: Foster, Barbara
Sent: Thur 10/19/2017 4:19:19 PM
Subject: FW: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings
[Rule impacts BF comments redline.docx](#)

From: Foster, Barbara
Sent: Thursday, October 19, 2017 11:56 AM
To: Palmer, Scott <Palmer.Scott@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Scott

Attached are my comments

From: Palmer, Scott
Sent: Thursday, October 19, 2017 10:56 AM
To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Hi Taetaye, Thanks for the quick turnaround on your comments – and great feedback ☺ ! I'm now also adding Mark H. to this e-mail distribution with the updated version attached, so that he can see what this section of the preamble will look like.

Regarding my draft write-up, I'm glad you found it to be clear and concise, and we appreciate your suggested tweaks. I made all of your suggested changes, except for your suggestions to add

Ex. 5 - Deliberative Process

Thanks again so much , Scott ☺

From: Shimeles, Taetaye

Sent: Wednesday, October 18, 2017 4:40 PM

To: Palmer, Scott <Palmer.Scott@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Kline, Bill <Kline.Bill@epa.gov>

Subject: RE: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Scott,

Thanks for sharing this. I thought the writing was clear and concise. I just have a few comments **Ex. 5 - Deliberative Process** But I refrained myself from commenting on the public comments because I'm not as familiar with them. If you have questions, please let me know. Thanks!

Taetaye Shimeles

Environmental Engineer

Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
Phone: 703-308-8729

E-mail: shimeles.taetaye@epa.gov



From: Palmer, Scott

Sent: Wednesday, October 18, 2017 10:13 AM

To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya

<Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Mooney,

Charlotte <Mooney.Charlotte@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Kline, Bill

<Kline.Bill@epa.gov>

Subject: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Hi Taetaye, Hope all is well. I took advantage of the final RIA numbers that you provided me,

Ex. 5 - Deliberative Process

Let me know your thoughts ASAP. Sorry, but the deadlines for turnaround of the preamble

remain insane☺! Scott

To: Palmer, Scott[Palmer.Scott@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Thur 10/19/2017 3:55:50 PM
Subject: RE: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings
Rule impacts BF comments redline.docx

Scott

Attached are my comments

From: Palmer, Scott
Sent: Thursday, October 19, 2017 10:56 AM
To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Ex. 5 - Deliberative Process

Thanks again so much , Scott ☺

From: Shimeles, Taetaye

Sent: Wednesday, October 18, 2017 4:40 PM

To: Palmer, Scott <Palmer.Scott@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Kline, Bill <Kline.Bill@epa.gov>

Subject: RE: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Scott,

Thanks for sharing this. I thought the writing was clear and concise. I just have a few comments **Ex. 5 - Deliberative Process** But I refrained myself from commenting on the public comments because I'm not as familiar with them. If you have questions, please let me know. Thanks!

Taetaye Shimeles

Environmental Engineer

Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
Phone: 703-308-8729

E-mail: shimeles.taetaye@epa.gov



From: Palmer, Scott

Sent: Wednesday, October 18, 2017 10:13 AM

To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya

<Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Kline, Bill <Kline.Bill@epa.gov>

Subject: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Ex. 5 - Deliberative Process

Let me know your thoughts ASAP. Sorry, but the deadlines for turnaround of the preamble remain insane☺! Scott

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Foster, Barbara
Sent: Wed 3/15/2017 11:15:34 PM
Subject: Early draft
Options for modifying the hrm rule 22 with OGC.docx

Rob,

Ex. 5 - Attorney Client

Let me know if you have any concerns, and when you anticipate we can provide this to Barnes.

Thanks

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
To: Huff, Mark J[huff.markj@epa.gov]
From: Foster, Barbara
Sent: Sat 3/11/2017 12:56:16 AM
Subject: Fw: Draft of the briefing
[Options for modifying the hrm rule 20.docx](#)

Two things --

Ex. 5 - Deliberative Process

From: Foster, Barbara
Sent: Friday, March 10, 2017 6:10 PM
To: MarkJ Huff
Cc: Sasseville, Sonya
Subject: Draft of the briefing

Mark,

Thank you for your understanding this morning. Attached is a draft of the briefing for your review.

Ex. 5 - Deliberative Process

I'll check mail over the weekend, and revise this if you send comments.

Thanks

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: MarkJ Huff[Huff.MarkJ@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Fri 3/10/2017 11:10:32 PM
Subject: Draft of the briefing
Options for modifying the hrm rule 20.docx

Mark,

Thank you for your understanding this morning. Attached is a draft of the briefing for your review.

Ex. 5 - Deliberative Process

I'll check mail over the weekend, and revise this if you send comments.

Thanks

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Cuthbertson, Becky[Cuthbertson.Becky@epa.gov]
Cc: Mooney, Charlotte[Mooney.Charlotte@epa.gov]
From: Foster, Barbara
Sent: Fri 3/10/2017 11:04:44 PM
Subject: RE: some thoughts on the age of the mines/mineral processors cleaned up under CERCLA
[EPA-HQ-SFUND-2015-0781-0497.pdf](#)
[EPA-HQ-SFUND-2015-0781-0144.pdf](#)

Ex. 5 - Deliberative Process

From: Cuthbertson, Becky
Sent: Thursday, March 09, 2017 5:23 PM
To: Mooney, Charlotte <Mooney.Charlotte@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: some thoughts on the age of the mines/mineral processors cleaned up under CERCLA

Hi,

I had given information like this to Jim Berlow many years ago, and thought it may be worth reiterating to new managers involved in CERCLA 108(b).

Ex. 5 - Deliberative Process

Message

From: Foster, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D2E711E357548B69B183AFC111E72C3-BFOSTER]
Sent: 3/9/2017 8:23:14 PM
To: Sasseville, Sonya [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9302bd775fa84bebbbe0c430316f76c6-SSASSEVI]
Subject: RE: need discussion

Yes I got back to him

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process I'm setting up team meetings soon.

From: Sasseville, Sonya
Sent: Thursday, March 09, 2017 12:40 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: need discussion

In attempting to close out some of my way-too-many open emails, I ran across this, and wanted to check to see if you've gotten back to Bill on this, even if to just let him know this will need to be hashed out in the team.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks.

From: Foster, Barbara
Sent: Wednesday, March 01, 2017 12:58 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: FW: need discussion

FYI

From: Kline, Bill
Sent: Wednesday, March 01, 2017 11:00 AM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Kelly, PatrickM <Kelly.PatrickM@epa.gov>; Doyle, Michael <doyle.michael@epa.gov>
Subject: need discussion

Hi Barbara. Hope all is going well.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Let me know what you think.

Bill Kline
U.S. Environmental Protection Agency
Office of Land and Emergency Management
Office of Resource Conservation and Recovery (5303P)
Program Implementation and Information Division
Information Collection and Analysis Branch
Phone: 540-341-3631
Fax : 540-349-9181
email : kline.bill@epa.gov

To: Devlin, Betsy[Devlin.Betsy@epa.gov]; Elliott, Ross[Elliott.Ross@epa.gov]; Frank Behan[Behan.Frank@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Kelly, PatrickM[Kelly.PatrickM@epa.gov]
From: Foster, Barbara
Sent: Thur 3/9/2017 6:19:48 PM
Subject: 108(b) hardrock mining rule materials
[Reductions TSD EPA-HQ-SFUND-2015-0781-0304.pdf](#)
[Impacts of mines subgroup 5.docx](#)
[Reductions Subgroup 6.docx](#)

Betsy, Ross, and Frank,

Ex. 5 - Deliberative Process

Please let me know if you have any questions or if you need any additional information.

Thanks you!

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Foster, Barbara
Sent: Thur 3/2/2017 8:48:01 PM
Subject: RE: Paper for review
Options for modifying the hrm rule 13.docx

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

If not, please use this draft.

Thanks

[btw – I'm still in meetings but did let Sonya know we need to talk about your concern]

From: Stachowiak, Robert
Sent: Thursday, March 02, 2017 3:01 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: Paper for review

Ex. 5 - Attorney Client, Deliberative Process

Maybe we can have a call to figure out how to proceed here, perhaps including our management?

-R

From: Foster, Barbara
Sent: Thursday, March 02, 2017 1:40 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: Paper for review

Ex. 5 - Deliberative Process

Thank you!

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

Message

From: Foster, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D2E711E357548B69B183AFC111E72C3-BFOSTER]
Sent: 3/1/2017 5:57:53 PM
To: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Subject: FW: need discussion
Attachments: HRM releases_Need for Further Justification.docx

FYI

From: Kline, Bill
Sent: Wednesday, March 01, 2017 11:00 AM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Kelly, PatrickM <Kelly.PatrickM@epa.gov>; Doyle, Michael <doyle.michael@epa.gov>
Subject: need discussion

Hi Barbara. Hope all is going well.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Let me know what you think.

Bill Kline
U.S. Environmental Protection Agency
Office of Land and Emergency Management
Office of Resource Conservation and Recovery (5303P)
Program Implementation and Information Division
Information Collection and Analysis Branch
Phone: 540-341-3631
Fax : 540-349-9181
email : kline.bill@epa.gov

Message

From: Foster, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D2E711E357548B69B183AFC111E72C3-BFOSTER]
Sent: 5/22/2017 2:35:54 PM
To: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Subject: FW: Need by 10:30am today -- 108b talking points - RE: State Meeting

Anything else you would want them to say?

From: Luzecky, Hollis
Sent: Monday, May 22, 2017 10:28 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Chang, Patrick <Chang.Patrick@epa.gov>
Subject: RE: Need by 10:30am today -- 108b talking points - RE: State Meeting

Thanks Rob. And thanks for catching the 2018 typo!

*Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217*

From: Stachowiak, Robert
Sent: Monday, May 22, 2017 10:23 AM
To: Luzecky, Hollis <Luzecky.Hollis@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Chang, Patrick <Chang.Patrick@epa.gov>
Subject: RE: Need by 10:30am today -- 108b talking points - RE: State Meeting

Ex. 5 - Deliberative Process/Attorney Client

Ex. 5 - Deliberative Process/Attorney Client

From: Luzecky, Hollis
Sent: Monday, May 22, 2017 9:46 AM
To: Foster, Barbara <Foster.Barbara@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: Need by 10:30am today -- 108b talking points - RE: State Meeting
Importance: High

I have been asked to draft some talking points for an R4 state meeting ASAP. Since OLEM is the lead and I don't know exactly what the state of play is right now I'm keeping this brief. Please let me know if I need to change anything or if you have any helpful info that I can add. Maybe you already have some talking points that you can share?
Thanks.

Ex. 5 - Deliberative Process

*Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217*

From: Patterson, Kenneth
Sent: Monday, May 22, 2017 9:04 AM
To: Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Luzecky, Hollis <Luzecky.Hollis@epa.gov>
Subject: Fwd: State Meeting

Bruce, Hollis: please take care of this ASAP.

Sent from my iPhone

Begin forwarded message:

From: "DeLeon, Rafael" <DeLeon.Rafael@epa.gov>
Date: May 22, 2017 at 8:57:43 AM EDT
To: "Healy, Helena" <Healy.Helena@epa.gov>, "Davis, Anita" <Davis.Anita@epa.gov>
Cc: "Previ, Caroline" <Previ.Caroline@epa.gov>, "Patterson, Kenneth" <Patterson.Kenneth@epa.gov>
Subject: RE: State Meeting

Ken

Helena needs your assistance. Please provide her the info she is requesting.

Sent from my Windows Phone

From: [Healy, Helena](#)
Sent: 5/21/2017 7:41 PM
To: [DeLeon, Rafael](#); [Davis, Anita](#)
Cc: [Previ, Caroline](#)
Subject: RE: State Meeting

Rafael – This is a Superfund State Directors meeting so Barnes is not attending. Do you want to assign someone to write me a few talking points regarding 108(b) status? Helena

From: DeLeon, Rafael
Sent: Sunday, May 21, 2017 7:59 AM
To: Davis, Anita <Davis.Anita@epa.gov>
Cc: Healy, Helena <Healy.Helena@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
Subject: RE: State Meeting

Ok. Helena can remind folks of the comment period being extended. I don't remember the exact duration of the extension. It's public info.

Ex. 5 - Deliberative Process

Sent from my Windows Phone

From: [Davis, Anita](#)
Sent: 5/20/2017 10:10 AM
To: [DeLeon, Rafael](#)
Cc: [Healy, Helena](#); [Previ, Caroline](#)
Subject: Re: State Meeting

I meant the plan to proceed was issued to in December. The Region and our states would be interested in status and next steps if Hqs feels it appropriate. I didn't know the comment period was extended as an example.

Sent from my iPhone

On May 19, 2017, at 6:20 PM, DeLeon, Rafael <DeLeon.Rafael@epa.gov> wrote:

I'm not sure what we're talking about here.

The 108 b rule was out for public comment. The public comment period was extended by this administration.

I don't know what guidance is being referenced.

Sent from my Windows Phone

From: [Davis, Anita](#)
Sent: 5/19/2017 4:42 PM
To: [Healy, Helena](#)
Cc: [DeLeon, Rafael](#); [Previ, Caroline](#)
Subject: RE: State Meeting

The public comment period on what? That was open last summer and it closed. I understood that the final guidance document was issued in December 2016 and that the guidance was slated for full implementation by 2017/18. Florida provided comments so it may come up.

From: Healy, Helena
Sent: Friday, May 19, 2017 3:48 PM

To: Davis, Anita <Davis.Anita@epa.gov>

Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>

Subject: RE: State Meeting

Anita – I checked with Cyndy and the only thing going on right now with 108(b) is that it is out for public comment. Helena

From: Davis, Anita

Sent: Friday, May 19, 2017 2:32 PM

To: Healy, Helena <Healy.Helena@epa.gov>

Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>

Subject: Re: State Meeting

Ok. Can you add 108(b) also

Sent from my iPhone

On May 18, 2017, at 2:59 PM, Healy, Helena <Healy.Helena@epa.gov> wrote:

I just met with Cyndy Mackey and she does not want me to do powerpoint slides for the presentation. I am just going to prepare very general talking points about accelerating cleanups and reuse.

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov];
Noggle, William[Noggle.William@epa.gov]
From: Foster, Barbara
Sent: Fri 11/17/2017 3:05:34 PM
Subject: RE: 108(b) Hardrock Mining Rule

I'm here.

From: Sasseville, Sonya
Sent: Friday, November 17, 2017 9:25 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Noggle, William
<Noggle.William@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) Hardrock Mining Rule

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Friday, November 17, 2017 8:54 AM
To: Noggle, William <Noggle.William@epa.gov>; Sasseville, Sonya
<Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) Hardrock Mining Rule

FYI – I have been trying to keep Barry up to speed throughout the week on how this package is developing so let's discuss. I do, per Bill's suggestion, think keeping Barry connected to this is important.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Noggle, William
Sent: Friday, November 17, 2017 8:43 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Subject: RE: 108(b) Hardrock Mining Rule

Barbara, Sonya,

Are there any changes you want to highlight for Barry? If so, feel free to send directly to Barry or send to me and I'll forward. I would normally handle this for the program offices, but I'm not that familiar with your rule or what Barry knows about your rule... sorry.

Thanks,

Bill

202-566-1306

From: Sasseville, Sonya
Sent: Friday, November 17, 2017 7:40 AM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: Re: 108(b) Hardrock Mining Rule

Bill, yes, with the understanding that Barnes and I are reviewing concurrently. Thanks.

Sent from my iPhone

On Nov 17, 2017, at 7:06 AM, Noggle, William <Noggle.William@epa.gov> wrote:

Thanks Barbara. Is this ready for distribution to Byron, Barry, Veronica, and David F. for a quick review this morning?

Rob,

Ex. 5 - Attorney Client

From: Foster, Barbara

Sent: Thursday, November 16, 2017 11:15 PM

To: Noggle, William <Noggle.William@epa.gov>

Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya
<Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Subject: 108(b) Hardrock Mining Rule

The most recent draft of the final rule is attached.

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

Message

From: Foster, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D2E711E357548B69B183AFC111E72C3-BFOSTER]
Sent: 11/17/2017 3:01:42 PM
To: Sasseville, Sonya [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9302bd775fa84bebbbe0c430316f76c6-SSASSEVI]
Subject: RE: 108(b) Hardrock Mining Rule

Yes

From: Sasseville, Sonya
Sent: Friday, November 17, 2017 8:56 AM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: 108(b) Hardrock Mining Rule

Are you in?

From: Johnson, Barnes
Sent: Friday, November 17, 2017 8:54 AM
To: Noggle, William <Noggle.William@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) Hardrock Mining Rule

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Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

From: Noggle, William
Sent: Friday, November 17, 2017 8:43 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Subject: RE: 108(b) Hardrock Mining Rule

Barbara, Sonya,
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202-566-1306

From: Sasseville, Sonya
Sent: Friday, November 17, 2017 7:40 AM
To: Noggle, William <Noggle.William@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Subject: Re: 108(b) Hardrock Mining Rule

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Sent from my iPhone

On Nov 17, 2017, at 7:06 AM, Noggle, William <Noggle.William@epa.gov> wrote:

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Rob, **Ex. 5 - Attorney Client**

From: Foster, Barbara

Sent: Thursday, November 16, 2017 11:15 PM

To: Noggle, William <Noggle.William@epa.gov>

Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Subject: 108(b) Hardrock Mining Rule

The most recent draft of the final rule is attached.

Barbara Foster
OSWER/ORCR/PIID
703-308-7057

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: ORCR IO[ORCR_IO@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
From: Foster, Barbara
Sent: Wed 3/22/2017 3:27:39 PM
Subject: RE: Updated 108b examples table
Options for modifying the hrm rule 20 Attachment 6 ss bf 3 comm ss 3-22.docx

Ex. 5 - Deliberative Process

From: Sasseville, Sonya
Sent: Wednesday, March 22, 2017 10:53 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: RE: Updated 108b examples table

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Mark and Barbara, feel free to chime in.

From: Huff, Mark J

Sent: Tuesday, March 21, 2017 6:42 PM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>

Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; ORCR IO <ORCR_IO@epa.gov>

Subject: Re: Updated 108b examples table

Ex. 5 - Deliberative Process

On Mar 21, 2017, at 5:53 PM, Johnson, Barnes <Johnson.Barnes@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Can we please try to turn these issues around fairly quickly?

Thanks.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Sasseville, Sonya
Sent: Tuesday, March 21, 2017 1:59 PM
To: Huff, Mark J <huff.markj@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
Subject: RE: Updated 108b examples table

Thanks, Mark. A few comments.

From: Huff, Mark J
Sent: Tuesday, March 21, 2017 9:02 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: FW: Updated 108b examples table

Here's the updated we provided yesterday morning- let's check to make sure that there are not further comments.

From: Huff, Mark J

Sent: Monday, March 20, 2017 9:54 AM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Cc: Hofmann, Lee <Hofmann.Lee@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>

Subject: Updated 108b examples table

Ex. 5 - Deliberative Process

To: Johnson, Barnes[Johnson.Barnes@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov];
Huff, Mark J[huff.markj@epa.gov]
Cc: ORCR IO[ORCR_IO@epa.gov]
From: Foster, Barbara
Sent: Tue 3/21/2017 11:09:41 PM
Subject: RE: Updated 108b examples table
Options for modifying the hrm rule 20 Attachment 6 ss bf 2 comm.docx

Ex. 5 - Deliberative Process

From: Foster, Barbara
Sent: Tuesday, March 21, 2017 6:46 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>
Subject: RE: Updated 108b examples table

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Tuesday, March 21, 2017 5:53 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>;
Foster, Barbara <Foster.Barbara@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>
Subject: FW: Updated 108b examples table

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Sasseville, Sonya
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To: Huff, Mark J <huff.markj@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
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Sent: Tuesday, March 21, 2017 9:02 AM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
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To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Hofmann, Lee <Hofmann.Lee@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Subject: Updated 108b examples table

Ex. 5 - Deliberative Process

To: Johnson, Barnes[Johnson.Barnes@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov];
Huff, Mark J[huff.markj@epa.gov]
Cc: ORCR IO[ORCR_IO@epa.gov]
From: Foster, Barbara
Sent: Tue 3/21/2017 10:45:57 PM
Subject: RE: Updated 108b examples table
Options for modifying the hrm rule 20 Attachment 6 ss bf comm.docx

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Tuesday, March 21, 2017 5:53 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>;
Foster, Barbara <Foster.Barbara@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>
Subject: FW: Updated 108b examples table

Ex. 5 - Deliberative Process

Can we please try to turn these issues around fairly quickly?

Thanks.

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USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

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Sent: Tuesday, March 21, 2017 1:59 PM
To: Huff, Mark J <huff.markj@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
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From: Huff, Mark J
Sent: Tuesday, March 21, 2017 9:02 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: Updated 108b examples table

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Sent: Monday, March 20, 2017 9:54 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Cc: Hofmann, Lee <Hofmann.Lee@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Subject: Updated 108b examples table

Ex. 5 - Deliberative Process

Message

From: Foster, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D2E711E357548B69B183AFC111E72C3-BFOSTER]
Sent: 3/17/2017 10:11:21 PM
To: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Subject: FW: Revised paper

<!--[if lte mso 15 || CheckWebRef]-->

Foster, Barbara has shared a OneDrive for Business file with you. To view it, click the link below.

 Ideas for modifying the hrm rule 31.docx

<!--[endif]-->

FYI - He didn't change it either - **Ex. 5 - Deliberative Process**

From: Johnson, Barnes
Sent: Friday, March 17, 2017 6:09 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Hofmann, Lee <Hofmann.Lee@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: FW: Revised paper

Dear Barry,

Attached please find a revised draft of the 108(b) options paper that we discussed last week. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Sasseville, Sonya
Sent: Friday, March 17, 2017 5:39 PM
To: ORCR IO <ORCR_IO@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: Revised paper

Barnes, please see attached, revised per your comments and our discussion. Thanks, Barbara.

(Mark, FYI, the attachment with the chart will catch up next week.)

Sonya Sasseville

Director, Program Implementation and Information Division

Office of Resource Conservation and Recovery/OLEM

U.S. Environmental Protection Agency

(703) 308-8648

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Foster, Barbara
Sent: Thur 11/16/2017 6:10:25 PM
Subject: RE: CERCLA 108(b) - helpful language for the rewrite

No, but I can't focus on it now, unfortunately.

Ex. 5 - Deliberative Process

-----Original Message-----

From: Sasseville, Sonya
Sent: Thursday, November 16, 2017 11:49 AM
To: Foster, Barbara <Foster.Barbara@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: CERCLA 108(b) - helpful language for the rewrite

Ex. 5 - Deliberative Process

-----Original Message-----

From: Foster, Barbara
Sent: Thursday, November 16, 2017 11:35 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: FW: CERCLA 108(b) - helpful language for the rewrite

-----Original Message-----

From: Noggle, William
Sent: Thursday, November 16, 2017 11:34 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: CERCLA 108(b) - helpful language for the rewrite

fyi

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto:**Ex. 6 - Personal Privacy EMAIL**]
Sent: Thursday, November 16, 2017 11:21 AM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Laity, Jim A. EOP/OMB [**Ex. 6 - Personal Privacy EMAIL**]; DeBruhl, Brandon F. EOP/OMB [**Ex. 6 - Personal Privacy EMAIL**]; Jones, Danielle Y. EOP/OMB [**Ex. 6 - Personal Privacy EMAIL**]
Subject: CERCLA 108(b) - helpful language for the rewrite

Hi Bill -

Ex. 5 - Deliberative Process

Thanks,
Pablo

Ex. 5 - Deliberative Process

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Thur 11/16/2017 4:35:06 PM
Subject: FW: CERCLA 108(b) - helpful language for the rewrite

-----Original Message-----

From: Noggle, William
Sent: Thursday, November 16, 2017 11:34 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
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fyi

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Cc: Laity, Jim A. EOP/OMB <**Ex. 6 - Personal Privacy EMAIL**> DeBruhl, Brandon F. EOP/OMB
Ex. 6 - Personal Privacy EMAIL Jones, Danielle Y. EOP/OMB
Ex. 6 - Personal Privacy EMAIL
Subject: CERCLA 108(b) - helpful language for the rewrite

Hi Bill -

Below is another item we think may be helpful in EPA's rewrite/revision of the hardrock mining rule. This

Ex. 5 - Deliberative Process

Thanks,
Pablo

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Message

From: Foster, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D2E711E357548B69B183AFC111E72C3-BFOSTER]
Sent: 2/8/2017 4:42:41 PM
To: Foster, Barbara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3d2e711e357548b69b183afc111e72c3-BFOSTER]
Subject: FW: Industry Seeks More Time For Input On Mining Financial Assurance Rules

Interesting points.

From: Barr, Linda
Sent: Wednesday, February 08, 2017 8:14 AM
To: Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: Industry Seeks More Time For Input On Mining Financial Assurance Rules

From today's Inside EPA —

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Daily News

Industry Seeks More Time For Input On Mining Financial Assurance Rules

February 07, 2017

The mining and oil industries are urging EPA to extend the public comment period for first-time draft financial responsibility rules for the hardrock mining industry due to the complexity of the proposal, with the National Mining Association (NMA) arguing the agency could seek a modification of the court order driving the rule's current deadline. Also, some parties are pointing to the high costs the rule is expected to impose on the mining sector and the precedential nature of the rulemaking as additional reasons to extend the comment period.

The existing 60-day comment period, which is slated to end March 13, "is an unreasonably short period of time to review, evaluate, and prepare meaningful public comments on EPA's sweeping new regulatory proposal," NMA writes in [Jan. 25 comments](#) to Donald Benton, the White House liaison to EPA. NMA is asking for a 120-day extension to the comment period.

"Certainly, far more than 60 days are required here to comment on a proposal that: (1) is built on tens of thousands of pages of background documents; (2) has as its centerpiece a brand new, complex statistical model for calculating financial assurance; and (3) will unquestionably impose many hundreds of millions of new costs annually on the hardrock mining industry," NMA says.

The American Petroleum Institute (API) also is seeking an extension, saying in [Jan. 24 comments](#) submitted to EPA's Office of Resource Conservation & Recovery that a minimum of an additional 60 days is needed. API notes the precedential nature of the rule, as the agency in December also signaled it was moving "forward with the regulatory process" to determine if financial assurance rules are needed for three other industrial

sectors: the chemical, electric power, and petroleum and coal products manufacturing sectors.

The proposed mining rule "will set an important precedent for all future rulemakings, including rulemakings that may affect the petroleum industry," API says. "Given the length and complexity of the rulemaking and supporting documents, the precedent-setting nature of the proposal, and the importance of CERCLA financial assurance to our members, the existing 60-day comment period is insufficient to digest, analyze, and properly prepare comments on this rulemaking."

Modified Deadline

The Obama EPA released the proposed hardrock mining rule in December in accordance with a court-ordered deadline; the proposal was published in the Jan. 11 *Federal Register*. While there is significant pressure from industry, western states and GOP lawmakers to scrap the rule, EPA is under a court order to take final action on the rule by Dec. 1. And although the Trump administration has touted broad de-regulatory plans for EPA, the agency under President Donald Trump has not yet signaled any changes regarding this specific rule.

The proposed rule would require owners and operators of certain types of hardrock mines and mineral processing facilities to give financial assurances of their ability to pay for potential releases of hazardous substances from their facilities, including Superfund cleanup costs, health assessment costs and natural resource damages. The rule was developed under section 108(b) of the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA), which set out a 1983 requirement for EPA to identify classes of facilities, and then called for issuing financial assurance rules for those classes. Financial assurance mechanisms include insurance and surety bonds, among other mechanisms.

NMA offers several reasons for slowing down the rulemaking, and argues EPA could seek some flexibility on the court deadline. The deadline came about as part of a legal agreement with environmentalists who had sued the agency to force issuance of the mining rule by a date certain. The Dec. 1 "negotiated deadline should not deny the regulated community the right to meaningful review and comment on this economically significant rulemaking," NMA says. EPA has "the authority per the court order to extend or modify the deadline," it says.

NMA says that the proposal would be a major rulemaking, noting that the agency's Regulatory Impact Analysis estimates that financial assurances required by the industry will reach \$7.1 billion, and that EPA data indicate mining companies will pay up to \$171 million annually in financial assurance costs -- although NMA argues that number is too low and that compliance will likely harm metals production and lead to job losses.

Complex Regulation

In arguing for the extension, NMA also points to the proposal's length and complexity. The 124-page proposal also has cross references to 708 documents that total more than 75,000 pages, it says. Since the draft rule's publication, EPA added another 204 documents to the docket that total more than 29,000 pages, it adds.

On the rule's complexity, NMA says that "[e]xpert analyses are required to evaluate many aspects of the proposed rule, especially the validity of the complex statistical model that EPA has used to generate a formula for determining financial assurance obligations, the appropriateness of the 'credit' or reduction criteria EPA has proposed for its financial assurance formula, and the availability of financial instruments to satisfy the proposed requirements." Further, it says it is "troubling" that the agency so far has refused to make public the tool it used to estimate financial responsibility obligations for 49 facilities it used in the model.

NMA calls the tool the cornerstone of the rule and says its release is needed to fully understand EPA's "intentions regarding the mechanics of the formula" and to verify its economic analysis.

In separate comments that also support NMA, mining company Asarco in a [Jan. 30 comment letter](#) touches on some issues it plans to lay out in substantive comments on the draft rule. Specifically, it says the rulemaking's preamble is silent on issues that relate to the legal force and practicability of the rule. Asarco's comments were sent to Acting EPA Administrator Catherine McCabe and Acting EPA General Counsel Kevin Minoli.

For instance, Asarco says the draft rule is silent on whether the financial assurance requirements for potential CERCLA liability would apply to releases for which the company has already resolved through prior judicial or administrative actions, or releases that are federally permitted under other EPA programs. Also not discussed in the preamble is the assumption, "which underlies the rulemaking, that the retroactive scheme of liability under CERCLA [section] 107(a) extends to rules that are promulgated under CERCLA [section] 108(b)," the company says. -- *Suzanne Yohannan* (syohannan@iwpnews.com)

Related News | Waste |

198820

Linda Barr
Economist
Cleanup Programs Branch
Program Implementation and Information Division
Office of Resource Conservation and Recovery
US Environmental Protection Agency

703-605-0768
Barr.Linda@epa.gov

Location:
2777 S. Crystal Drive
Arlington, VA 22202

For Delivery:
1200 Pennsylvania Ave., NW
Mail Code 5306P
Washington, DC 20460

To: Johnson, Barnes[Johnson.Barnes@epa.gov]; ORCR IO[ORCR_IO@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
From: Foster, Barbara
Sent: Tue 6/13/2017 6:30:38 PM
Subject: RE: 108(b) Draft "Early" Options Discussion Paper and Analysis

I'm preparing a revised draft of the path forward options to incorporate Rob's comments. I'll

Ex. 5 - Deliberative Process

Thanks

From: Johnson, Barnes
Sent: Tuesday, June 13, 2017 1:55 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: RE: 108(b) Draft "Early" Options Discussion Paper and Analysis

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Foster, Barbara
Sent: Monday, June 12, 2017 10:07 PM
To: ORCR IO <ORCR_IO@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: Fw: 108(b) Draft "Early" Options Discussion Paper and Analysis

Barnes,

Ex. 5 - Deliberative Process

Thanks

From: Johnson, Barnes
Sent: Friday, March 31, 2017 12:57 PM
To: Breen, Barry; Simon, Nigel
Cc: Hostage, Barbara; ORCR IO; Sasseville, Sonya; Huff, Mark J; Foster, Barbara; Hilosky, Nick; Brooks, Becky; Stachowiak, Robert
Subject: 108(b) Draft "Early" Options Discussion Paper and Analysis

Dear Barry,

Per our discussion at the ORCR General this week, attached please find the latest drafts of the 108(b) documents. We will look forward to your comments on these. Hats off to Sonya, Mark, Barbara, Rob and others for their help in pulling these drafts together.

Barnes

Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
To: ORCR IO[ORCR_IO@epa.gov]
From: Foster, Barbara
Sent: Tue 6/13/2017 2:06:56 AM
Subject: Fw: 108(b) Draft "Early" Options Discussion Paper and Analysis
Options for modifying the hrm rule attachment draft 34 BJ Comments.docx
Ideas for modifying the hrm rule 37 clean BJ Comments (003).docx

Barnes,

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Cc: 'Mark Ewen'[MEwen@indecon.com]; 'Hendrik Isom'[HIsom@indecon.com]; 'Katya Smirnova'[KSmirnova@indecon.com]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Wed 11/30/2016 9:53:38 PM
Subject: RE: Reductions TSD Draft

I didn't mean to use the / - I just used it so it wouldn't flow together.

Ex. 5 - Deliberative Process

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(see below) I'm sorry about the confusion.

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Sent: Wednesday, November 30, 2016 4:49 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>; Mahmud, Shahid <Mahmud.Shahid@epa.gov>; James Kuipers <jkuipers@kuipersassoc.com>
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Environmental Engineer

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U.S. Environmental Protection Agency
Phone: 703-308-8729

E-mail: shimeles.taetaye@epa.gov



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From: Foster, Barbara
Sent: Wed 11/30/2016 9:37:25 PM
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Reductions TSD 11 29 16 jk edit v2 clean BF3 (003).docx

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Cc: 'Mark Ewen'; 'Hendrik Isom'; 'Katya Smirnova'
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Please see the attached. One version is for review, the other has comments for consideration.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ideally, if we can get comments by tomorrow morning, we should be able to incorporate them by end of tomorrow.

I will be spending additional time today filling in some missing references and making some other changes and am available other than 9-11am MST today.

Jim K

t

James (Jim) R. Kuipers, P.E.

Consulting Engineer

Kuipers & Associates LLC

PO Box 145 (mailing)

2601 Steel Creek Rd (shipping)

Wisdom MT 59761

406-689-3464

jkuipers@kuipersassoc.com

To: Mahmud, Shahid[Mahmud.Shahid@epa.gov]; James Kuipers[jkuipers@kuipersassoc.com]; Shimeles, Taetaye[Shimeles.Taetaye@epa.gov]
Cc: 'Mark Ewen'[MEwen@indecon.com]; 'Hendrik Isom'[Hlsom@indecon.com]; 'Katya Smirnova'[KSmirnova@indecon.com]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Wed 11/30/2016 9:18:28 PM
Subject: RE: Reductions TSD Draft
Reductions TSD 11 29 16 jk edit v2 clean BF2 (003).docx

Ex. 5 - Deliberative Process

From: Foster, Barbara
Sent: Wednesday, November 30, 2016 4:07 PM
To: Mahmud, Shahid <Mahmud.Shahid@epa.gov>; James Kuipers <jkuipers@kuipersassoc.com>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Cc: 'Mark Ewen' <MEwen@indecon.com>; 'Hendrik Isom' <Hlsom@indecon.com>; 'Katya Smirnova' <KSmirnova@indecon.com>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: Reductions TSD Draft

Attached are some comments.

From: Foster, Barbara
Sent: Wednesday, November 30, 2016 2:20 AM
To: Mahmud, Shahid <Mahmud.Shahid@epa.gov>; James Kuipers <jkuipers@kuipersassoc.com>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Cc: 'Mark Ewen' <MEwen@indecon.com>; 'Hendrik Isom' <Hlsom@indecon.com>; 'Katya Smirnova' <KSmirnova@indecon.com>
Subject: RE: Reductions TSD Draft

Taetaye,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Mahmud, Shahid

Sent: Monday, November 28, 2016 1:46 PM

To: James Kuipers <jkuipers@kuipersassoc.com>; Shimeles, Taetaye
<Shimeles.Taetaye@epa.gov>

Cc: 'Mark Ewen' <MEwen@indecon.com>; 'Hendrik Isom' <Hlsom@indecon.com>; 'Katya Smirnova' <KSmirnova@indecon.com>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: Re: Reductions TSD Draft

Jim,

Thank you for the excellent work in such a short turnaround period. My markups are attached.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Shahid Mahmud
Team Leader
EPA Abandoned Mine Lands Team
703-603-8789

From: Jim Kuipers <jkuipers@kuipersassoc.com>
Sent: Monday, November 28, 2016 8:58 AM
To: Shimeles, Taetaye; Mahmud, Shahid
Cc: 'Mark Ewen'; 'Hendrik Isom'; 'Katya Smirnova'
Subject: Reductions TSD Draft

Please see the attached. One version is for review, the other has comments for consideration.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Ideally, if we can get comments by tomorrow morning, we should be able to incorporate them by end of tomorrow.

I will be spending additional time today filling in some missing references and making some other changes and am available other than 9-11am MST today.

Jim K

James (Jim) R. Kuipers, P.E.

Consulting Engineer

Kuipers & Associates LLC

PO Box 145 (mailing)

2601 Steel Creek Rd (shipping)

Wisdom MT 59761

406-689-3464

jkuipers@kuipersassoc.com

To: Mahmud, Shahid[Mahmud.Shahid@epa.gov]; James Kuipers[jkuipers@kuipersassoc.com]; Shimeles, Taetaye[Shimeles.Taetaye@epa.gov]
Cc: 'Mark Ewen'[MEwen@indecon.com]; 'Hendrik Isom'[Hlsom@indecon.com]; 'Katya Smirnova'[KSmirnova@indecon.com]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Wed 11/30/2016 9:07:08 PM
Subject: RE: Reductions TSD Draft
Reductions TSD 11 29 16 jk edit v2 clean BF1 (003).docx

Attached are some comments.

From: Foster, Barbara
Sent: Wednesday, November 30, 2016 2:20 AM
To: Mahmud, Shahid <Mahmud.Shahid@epa.gov>; James Kuipers <jkuipers@kuipersassoc.com>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Cc: 'Mark Ewen' <MEwen@indecon.com>; 'Hendrik Isom' <Hlsom@indecon.com>; 'Katya Smirnova' <KSmirnova@indecon.com>
Subject: RE: Reductions TSD Draft

Taetaye,

Ex. 5 - Deliberative Process

From: Mahmud, Shahid
Sent: Monday, November 28, 2016 1:46 PM
To: James Kuipers <jkuipers@kuipersassoc.com>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Cc: 'Mark Ewen' <MEwen@indecon.com>; 'Hendrik Isom' <Hlsom@indecon.com>; 'Katya Smirnova' <KSmirnova@indecon.com>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Re: Reductions TSD Draft

Jim,

Thank you for the excellent work in such a short turnaround period. My markups are attached.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks again for the great work!

Shahid Mahmud
Team Leader
EPA Abandoned Mine Lands Team
703-603-8789

From: Jim Kuipers <jkuipers@kuipersassoc.com>
Sent: Monday, November 28, 2016 8:58 AM
To: Shimeles, Taetaye; Mahmud, Shahid
Cc: 'Mark Ewen'; 'Hendrik Isom'; 'Katya Smirnova'
Subject: Reductions TSD Draft

Please see the attached. One version is for review, the other has comments for consideration.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ideally, if we can get comments by tomorrow morning, we should be able to incorporate them by end of tomorrow.

I will be spending additional time today filling in some missing references and making some other changes and am available other than 9-11am MST today.

Jim K

James (Jim) R. Kuipers, P.E.

Consulting Engineer

Kuipers & Associates LLC

PO Box 145 (mailing)

2601 Steel Creek Rd (shipping)

Wisdom MT 59761

406-689-3464

jkuipers@kuipersassoc.com

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
Cc: Chang, Patrick[Chang.Patrick@epa.gov]; Michaud, John[Michaud.John@epa.gov]
From: Foster, Barbara
Sent: Tue 11/29/2016 5:50:06 PM
Subject: RE: Did you see this?!

I know...

Ex. 5 - Deliberative Process

From: Stachowiak, Robert
Sent: Tuesday, November 29, 2016 12:44 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Chang, Patrick <Chang.Patrick@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Subject: Did you see this?!
Importance: High

Ex. 5 - Attorney Client / Deliberative Process / Atty Work Product

Message through Patrick on the AC Notice:

Ex. 5 - Attorney Client / Deliberative Process / Atty Work Product

This shows DOJ's edits:

Ex. 5 - Attorney Client / Deliberative Process / Atty Work Product

Ex. 5 - Attorney Client / Deliberative Process / Atty Work Product

Ex. 5 - Attorney Client / Deliberative Process / Atty Work Product

To: Huff, Mark J[huff.markj@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Hofmann, Lee[Hofmann.Lee@epa.gov]
From: Foster, Barbara
Sent: Wed 11/9/2016 7:05:34 PM
Subject: RE: Updated Draft

Thanks- I made Joe's change.

From: Huff, Mark J
Sent: Wednesday, November 09, 2016 1:38 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hofmann, Lee <Hofmann.Lee@epa.gov>
Subject: FW: Updated Draft

Joe made the change noted below in the attached- also note that

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Krahe, Joseph
Sent: Wednesday, November 09, 2016 1:18 PM
To: Hofmann, Lee <Hofmann.Lee@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Cultice, Alyssa <Cultice.Alyssa@epa.gov>; Stanley, Laura <Stanley.Laura@epa.gov>
Cc: Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: Updated Draft

Hi Lee,

The only change I made was to

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I also noticed that

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Best,

Joe

From: Hofmann, Lee
Sent: Wednesday, November 09, 2016 8:57 AM
To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Krahe, Joseph <Krahe.Joseph@epa.gov>; Cultice, Alyssa <Cultice.Alyssa@epa.gov>; Stanley, Laura <Stanley.Laura@epa.gov>
Cc: Benware, Richard <Benware.Richard@epa.gov>
Subject: FW: Updated Draft

Please look over

Elizabeth Lee Hofmann, Ph.D., D.A.B.T.
Chief, Economics and Risk Analysis Staff
Program Management, Communications,
and Analysis Office
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Mail Code 5305P
Washington, D.C. 20460-001

Phone: 703-308-8479
Fax: 703-308-7904

Delivery Address:
South Tower, Potomac Yards
2777 Crystal Drive
Arlington, VA 22202

From: Foster, Barbara

Sent: Tuesday, November 08, 2016 10:00 PM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Hofmann, Lee <Hofmann.Lee@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Palmer, Scott <Palmer.Scott@epa.gov>; Kline, Bill <Kline.Bill@epa.gov>

Cc: ORCR IO <ORCR_IO@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Updated Draft

Attached is the most recent draft of the comment response document, and a markup showing the changes since this morning's draft. Areas are highlighted in yellow to draw attention to new or revised language, or where there is still information needed.

A preamble/reg redline/strikeout will follow as soon as I can update it.

From: Foster, Barbara

Sent: Tuesday, November 08, 2016 11:47 AM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; MarkJ Huff <Huff.MarkJ@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Hofmann, Lee <Hofmann.Lee@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Palmer, Scott <Palmer.Scott@epa.gov>; Kline, Bill <Kline.Bill@epa.gov>

Cc: ORCR IO <ORCR_IO@epa.gov>

Subject: Updated Draft

Attached is an updated draft of the response to interagency comments on the 108(b) hardrock mining rule. I'll turn around another draft before leaving today and incorporate comments I receive on this draft. Please ignore fonts, format etc in this draft – I'll work on those throughout the day.

Thanks

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

Message

From: Garbow, Avi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0FDB4F0411A04EF89260D468FA8B0EF2-GARBOW, AVI]
Sent: 12/1/2016 11:33:08 PM
To: Stachowiak, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2710013bd33a44ab823c8e6d9b94275a-RSTACHOW]
CC: Mitchell, Stacey [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dcdbc8c96e974addaf424c630c38c0a7-Mitchell, S]; Michaud, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1b492b9143fb48f2b4e1ad2b35d49def-Michaud, John]; Lewis, Jen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ecd7b39ba6f14334bc308b9a3bc2ae5f-JLUE]; Siciliano, CarolAnn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a0e84b7f6ddd4d92b99b2dba90aa86b1-CSICILIA]; Green, Noelle [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ec442d76ba547f681cbb9b52f990a97-Green, Noel]
Subject: Re: 108(b) - SBREFA Panel late hold up

Thanks. This will be signed today. I will do some follow up on my end. Keep me posted. And THANK YOU for seeing us through the finish line.

Avi

Avi Garbow
General Counsel, US EPA

Sent from my iPhone

On Dec 1, 2016, at 6:09 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

**Attorney-client communication
Deliberative process privileged**

Hi Avi –

I'm writing to give you a heads-up.

Ex. 5 - Attorney Client / Deliberative Process

Thanks,
Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Barr, Linda
Sent: Thursday, December 01, 2016 5:09 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Fw: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

FYI - Forwarding follow up from Charley.

From: Maresca, Charles A. <Charles.Maresca@sba.gov>
Sent: Thursday, December 1, 2016 5:06 PM
To: Jones, Danielle Y. EOP/OMB; kevin.bromberg@sba.gov; Laity, Jim A. EOP/OMB; Wiggins, Lanelle; Barr, Linda; Sasseville, Sonya
Cc: McManus, Michael J.; Nickerson, William
Subject: RE: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

Danielle,

Advocacy truly appreciates all the work that EPA and OMB have put into this panel, particularly this past week.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sincerely,

Charley

From: Jones, Danielle Y. EOP/OMB | Ex. 6 - Personal Privacy/personal email

Sent: Thursday, December 01, 2016 4:45 PM

To: Bromberg, Kevin L.; Laity, Jim A. EOP/OMB; Wiggins, Lanelle; Barr, Linda; Sasseville, Sonya
(Sasseville.Sonya@epa.gov)

Cc: McManus, Michael J.; Maresca, Charles A.; Nickerson, William

Subject: RE: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

Importance: High

Kevin,

Ex. 5 - Deliberative Process

Best,

Danielle

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy/Personal email

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]

Sent: Thursday, December 1, 2016 4:34 PM

To: Jones, Danielle Y. EOP/OMB | Ex. 6 - Personal Privacy/Personal email | Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy/Personal email | Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>; Barr, Linda
<Barr.Linda@epa.gov>; Sasseville, Sonya (Sasseville.Sonya@epa.gov) <Sasseville.Sonya@epa.gov>

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Maresca, Charles A.

<Charles.Maresca@sba.gov>; DePriest, Darryl L. <Darryl.DePriest@sba.gov>

Subject: RE: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

Ex. 5 - Deliberative Process

Feel free to take up with my management. Sorry about the delay.

From: Bromberg, Kevin L.

Sent: Thursday, December 01, 2016 4:26 PM

To: Ex. 6 - Personal Privacy/Personal email Wiggins, Lanelle'; Barr, Linda; Sasseville, Sonya (Sasseville.Sonya@epa.gov)

Cc: McManus, Michael J.; Maresca, Charles A.; DePriest, Darryl L.

Subject: Sorry about this addition - but Advocacy recommendation was switched from consensus to nonconsensus - and that changes the context. PANEL REPORT ADDITION

LAST FULL PARAGRAPH IN ADVOCACY RECOMMENDATIONS:

Ex. 5 - Deliberative Process

We welcome editorial or other edits to the Advocacy recommendation, as appropriate for a panel report.

Working through the document and finding multiple typos, grammar - EPA is helping out on the review

My apologies for this revision

Kevin

To: Foster, Barbara[Foster.Barbara@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov];
Huff, Mark J[huff.markj@epa.gov]
Cc: Cogliano, Gerain[Cogliano.Gerain@epa.gov]
Sent: Thur 12/1/2016 3:51:06 AM
Subject: RE: Reductions TSD -- a few quick things

Hi – I will use this title then to be consistent with how you cited it in the preamble.

Also – fyi – the RIA

From: Foster, Barbara
Sent: Wednesday, November 30, 2016 10:31 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: Re: Reductions TSD -- a few quick things

I cited the document in a preamble footnote. I can't open the rule from home but think it was something like:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Hoffman, Wendy
Sent: Wednesday, November 30, 2016 9:45 PM
To: Foster, Barbara; Sasseville, Sonya; Huff, Mark J
Cc: Cogliano, Gerain
Subject: Reductions TSD -- a few quick things

Hi – In taking a very quick look at this document, I found a few things –

1. I am making this change in the title to be consistent with the name of the rule –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks –

Wendy

To: Cogliano, Gerain[Cogliano.Gerain@epa.gov]; Hoffman, Wendy[Hoffman.Wendy@epa.gov]
From: Jones, Danielle Y. EOP/OMB
Sent: Thur 12/1/2016 5:17:06 AM
Subject: RE: Section 7 draft is attached

I will end up calling an uber and will wait in the lobby of my building next to the security officer until my ride arrives. And the uber will end up dropping me off in front of the entrance to my apartment building so no worries.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 **Ex. 6 - Personal Privacy email**

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Sent: Thursday, December 1, 2016 12:15 AM
To: Jones, Danielle Y. EOP/OMB **Ex. 6 - Personal Privacy email**; Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

I'm freaking out about your safe travel home tonight/morning! Please be careful!

From: Jones, Danielle Y. EOP/OMB **Ex. 6 - Personal Privacy email**
Sent: Thursday, December 1, 2016 12:13 AM
To: Hoffman, Wendy; Cogliano, Gerain
Subject: RE: Section 7 draft is attached

It's the one thing that keeps me going at this point. Although, that being said, **Ex. 6 - Personal Privacy/non-responsive private information** He does not quite comprehend my dedication.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Thursday, December 1, 2016 12:12 AM

To: Jones, Danielle Y. EOP/OMB <Cogliano.Gerain@epa.gov> Ex. 6 - Personal Privacy email Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Just think of those gorgeous beaches in Puerto Rico and the northern lights waiting for you in Iceland....

From: Jones, Danielle Y. EOP/OMB [mailto:] Ex. 6 - Personal Privacy email

Sent: Thursday, December 01, 2016 12:09 AM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Okay. Make sure you get rest okay. I can run on fumes. My motto is "I will rest when I am dead."

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Thursday, December 1, 2016 12:08 AM

To: Jones, Danielle Y. EOP/OMB <Cogliano.Gerain@epa.gov> Ex. 6 - Personal Privacy email Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive private information

From: Jones, Danielle Y. EOP/OMB [mailto:Ex. 6 - Personal Privacy email]
Sent: Thursday, December 01, 2016 12:05 AM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: RE: Section 7 draft is attached

I am drinking a coca cola to stay awake at this point. Plus I got a huge bag of chocolates for a sugar rush for when the caffeine no longer works...

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 [Ex. 6 - Personal Privacy email]

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Sent: Thursday, December 1, 2016 12:02 AM
To: Jones, Danielle Y. EOP/OMB [Ex. 6 - Personal Privacy email]
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

Wendy makes a good strong cup of coffee! I certainly enjoyed the cup she made me this morning! The caffeine definitely was working throughout the day!

From: Jones, Danielle Y. EOP/OMB [Ex. 6 - Personal Privacy email]
Sent: Wednesday, November 30, 2016 11:58 PM
To: Cogliano, Gerain
Cc: Hoffman, Wendy

Subject: RE: Section 7 draft is attached

Fantastic. I also spoke with Sonya to let her know

Ex. 6 - Personal Privacy/non-responsive personal information

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I am going to need a BIG cup of joe in the morning.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [<mailto:Cogliano.Gerain@epa.gov>]

Sent: Wednesday, November 30, 2016 11:57 PM

To: Jones, Danielle Y. EOP/OMB Ex. 6 - Personal Privacy email

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

Definitely! BTW, I've asked Sonya if Barnes would attend or at least be available to call in quickly, if needed.

From: Jones, Danielle Y. EOP/OMB Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:49 PM

To: Hoffman, Wendy; Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Good night and talk to you tomorrow morning. Are you going to be on the SBAR Panel call at 9 am?

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Wednesday, November 30, 2016 11:49 PM

To: Jones, Danielle Y. EOP/OMB <Cogliano.Gerain@epa.gov> Ex. 6 - Personal Privacy email >; Cogliano, Gerain

Subject: RE: Section 7 draft is attached

My eyes are falling out of my head. I will need to throw in the towel !!

From: Jones, Danielle Y. EOP/OMB [mailto: Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:44 PM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Just did ☺ Now onto the preamble and rule!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Wednesday, November 30, 2016 11:38 PM

To: Jones, Danielle Y. EOP/OMB <Cogliano.Gerain@epa.gov> Ex. 6 - Personal Privacy email Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Thank goodness! Will you send it back to me tonight?

From: Jones, Danielle Y. EOP/OMB [mailto:mtailt@epa.gov] **Ex. 6 - Personal Privacy email**
Sent: Wednesday, November 30, 2016 11:36 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Just looking at all of the changes. And **Ex. 5 - Deliberative Process**
Very few edits.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:35 PM
To: Jones, Danielle Y. EOP/OMB <mtailt@epa.gov> **Ex. 6 - Personal Privacy email**; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
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please review these edits as well, since I took liberty to add/modify your edits.

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Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Jones, Danielle Y. EOP/OMB [mailto:Wendy.Hoffman.Wendy@epa.gov] **Ex. 6 - Personal Privacy email**
From: Cogliano, Gerain
Sent: Thur 12/1/2016 5:12:58 AM
Subject: Re: Section 7 draft is attached

Just don't die from exhaustion!!

I told Wendy to call it a night. I'll hang on for a bit longer...the smoke alarm above my head just made a loud beep so now I'm wide awake! Batteries need replacing.

From: Jones, Danielle Y. EOP/OMB [mailto:Wendy.Hoffman.Wendy@epa.gov] **Ex. 6 - Personal Privacy email**
Sent: Thursday, December 1, 2016 12:09 AM
To: Hoffman, Wendy; Cogliano, Gerain
Subject: RE: Section 7 draft is attached

Okay. Make sure you get rest okay. I can run on fumes. My motto is "I will rest when I am dead."

Danielle Y. Jones

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Phone: (202) 395-1741 [mailto:Wendy.Hoffman.Wendy@epa.gov] **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:08 AM
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<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:Wendy.Hoffman.Wendy@epa.gov] **Ex. 6 - Personal Privacy email**

Sent: Thursday, December 01, 2016 12:05 AM
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I am drinking a coca cola to stay awake at this point. Plus I got a huge bag of chocolates for a sugar rush for when the caffeine no longer works...

Danielle Y. Jones

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To: Cogliano, Gerain; Hoffman, Wendy
Subject: FW: Section 7 draft is attached

To keep you both in the loop.
comment bubble for each edit.

Ex. 5 - Deliberative Process

I have placed a

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741

Ex. 6 - Personal Privacy email

From: Jones, Danielle Y. EOP/OMB

Sent: Wednesday, November 30, 2016 9:33 PM

To: 'Wiggins, Lanelle' <Wiggins.Lanelle@epa.gov>; kevin.bromberg@sba.gov

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>;
Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email; Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: RE: Section 7 draft is attached

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Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]; Cogliano, Gerain[Cogliano.Gerain@epa.gov]
From: Jones, Danielle Y. EOP/OMB
Sent: Thur 12/1/2016 5:03:43 AM
Subject: RE: Section 7 draft is attached

Yeah I will need it tonight.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | c

Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016, 12:00 AM
To: Jones, Danielle Y. EOP/OMB <[mailto:Jones.Danielle.Y@epa.gov]> **Ex. 6 - Personal Privacy email** Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Good idea to have Barnes be available, for sure

Also – Danielle – this is insane, but Barbara Foster just returned to her office – not sure why at this late hour.

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Will do.

Danielle Y. Jones

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To: Jones, Danielle Y. EOP/OMB <**Ex. 6 - Personal Privacy email**> Hoffman, Wendy
<Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

Let us know whether it works for you or not. Holding my breath.

From: Jones, Danielle Y. EOP/OMB <**Ex. 6 - Personal Privacy email**>

Sent: Wednesday, November 30, 2016 11:53 PM

To: Hoffman, Wendy

Cc: Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Thanks!

Danielle Y. Jones

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Subject: Re: Section 7 draft is attached

Both, I'm sure!

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From: Hoffman, Wendy [<mailto:Hoffman.Wendy@epa.gov>]

Sent: Wednesday, November 30, 2016 10:01 PM

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<Cogliano.Gerain@epa.gov>

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Sent: Wednesday, November 30, 2016 9:59 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

Thanks for the second set of eyes Gerain.

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Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

<James_A_Laity@omb.eop.gov>; Nickerson, William <Nickerson.William@epa.gov>;

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Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Jones, Danielle Y. EOP/OMB
Cc: Hoffman, Wendy[Hoffman.Wendy@epa.gov]
From: Cogliano, Gerain
Sent: Thur 12/1/2016 5:02:04 AM
Subject: Re: Section 7 draft is attached

Ex. 6 - Personal Privacy email

Wendy makes a good strong cup of coffee! I certainly enjoyed the cup she made me this morning! The caffeine definitely was working throughout the day!

From: Jones, Danielle Y. EOP/OMB
Sent: Wednesday, November 30, 2016 11:58 PM
To: Cogliano, Gerain
Cc: Hoffman, Wendy
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy email

Fantastic. I also spoke with Sonya to let her know

Ex. 5 - Deliberative Process

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am going to need a BIG cup of joe in the morning.

Danielle Y. Jones

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Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Sent: Wednesday, November 30, 2016 11:57 PM
To: Jones, Danielle Y. EOP/OMB
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

Ex. 6 - Personal Privacy email

Definitely! BTW, I've asked Sonya if Barnes would attend or at least be available to call in quickly, if needed.

From: Jones, Danielle Y. EOP/OMB <[REDACTED]>
Sent: Wednesday, November 30, 2016 11:49 PM
To: Hoffman, Wendy; Cogliano, Gerain
Subject: RE: Section 7 draft is attached

Good night and talk to you tomorrow morning. Are you going to be on the SBAR Panel call at 9 am?

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | [REDACTED]

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:49 PM
To: Jones, Danielle Y. EOP/OMB <[REDACTED]> Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

My eyes are falling out of my head. I will need to throw in the towel !!

From: Jones, Danielle Y. EOP/OMB [mailto:[REDACTED]] <[REDACTED]>
Sent: Wednesday, November 30, 2016 11:44 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Just did ☺ Now onto the preamble and rule!

Danielle Y. Jones

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From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
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Thank goodness! Will you send it back to me tonight?

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Just looking at all of the changes. And correcting
Very few edits. **Ex. 5 - Deliberative Process**

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Subject: RE: Section 7 draft is attached

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Thanks for giving them grief Wendy! And thanks Gerain for the empathy. The good news is that I am almost finished with the RIA. Will send out shortly

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No speed reading (I wish I could though because I just ordered a ton of books – more about those tomorrow if interested). Just looking at my redline of the RIA. Made review so much easier having an actual redline. Will do the same with the rule shortly...

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Both, I'm sure!

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Definitely! BTW, I've asked Sonya if Barnes would attend or at least be available to call in quickly, if needed.

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Good night and talk to you tomorrow morning. Are you going to be on the SBAR Panel call at 9 am?

Danielle Y. Jones

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Please see my attached comments. I have added my comments and edits to Kevin's. Kevin, please review these edits as well, since I took liberty to add/modify your edits.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Wiggins, Lanelle [<mailto:Wiggins.Lanelle@epa.gov>]

Sent: Wednesday, November 30, 2016 2:50 PM

To: kevin.bromberg@sba.gov; Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>; Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: Section 7 draft is attached

Attached is a draft of section 7. We have tried to include redline strikeout as much as possible.

Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]
From: Jones, Danielle Y. EOP/OMB
Sent: Thur 12/1/2016 4:20:29 AM
Subject: RE: Section 7 draft is attached

By the way I'm in chapter 7 of the RIA. Going a lot fast with the actual redline!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:18 PM
To: Jones, Danielle Y. EOP/OMB **Ex. 6 - Personal Privacy email**
Subject: RE: Section 7 draft is attached

Ex. 5 - Deliberative Process

From: Jones, Danielle Y. EOP/OMB [mailto: **Ex. 6 - Personal Privacy email**]
Sent: Wednesday, November 30, 2016 10:24 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Can you call me please. I'm in my office/cubicle.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Wednesday, November 30, 2016 10:01 PM

To: Jones, Danielle Y. EOP/OMB <[mailto:Jones.Danielle.Y@epa.gov]> | Ex. 6 - Personal Privacy email
Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

I am taking a look now.

From: Jones, Danielle Y. EOP/OMB [mailto:Jones.Danielle.Y@epa.gov]

Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 9:59 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

Thanks for the second set of eyes Gerain.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Wednesday, November 30, 2016 9:52 PM

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Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

In the process of reading it, already found a couple of minor edits. Will finish reading.

From: Jones, Danielle Y. EOP/OMB <Danielle.Y.Jones@epa.gov>
Sent: Wednesday, November 30, 2016 9:33 PM
To: Cogliano, Gerain; Hoffman, Wendy
Subject: FW: Section 7 draft is attached

Ex. 6 - Personal Privacy email

To keep you both in the loop, I have placed a comment bubble for each edit.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
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Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]
From: Jones, Danielle Y. EOP/OMB
Sent: Thur 12/1/2016 4:19:56 AM
Subject: RE: Section 7 draft is attached

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Danielle Y. Jones

Policy Analyst

Office of Management and Budget

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To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

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Thanks for the second set of eyes Gerain.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

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Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

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[Ex. 6 - Personal Privacy email]

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>;

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Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]
From: Cogliano, Gerain
Sent: Thur 12/1/2016 4:06:50 AM
Subject: Re: just got off the phone with Danielle

Ex. 5 - Deliberative Process

From: Hoffman, Wendy
Sent: Wednesday, November 30, 2016 11:05 PM
To: Cogliano, Gerain
Subject: RE: just got off the phone with Danielle

Ex. 5 - Deliberative Process

Technical Support Document

CERCLA Section 108(b) Hardrock Mining Rule

Financial Responsibility Reductions

From: Cogliano, Gerain
Sent: Wednesday, November 30, 2016 10:54 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: just got off the phone with Danielle

I was wondering! Really wanted to call but held back as I knew you should be discussing with her, not me. Glad she wants to talk to Sonya.

From: Hoffman, Wendy
Sent: Wednesday, November 30, 2016 10:50 PM
To: Cogliano, Gerain
Subject: just got off the phone with Danielle

Ex. 5 - Deliberative Process

She also wants Sonya to call her to discuss preamble and report changes – I am tasked with chewing out Taetaye et al for messing up the redline of the RIA.... And I am suddenly very tired!

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]
Cc: Cogliano, Gerain[Cogliano.Gerain@epa.gov]
From: Jones, Danielle Y. EOP/OMB
Sent: Thur 12/1/2016 7:41:42 AM
Subject: RE: Section 7 draft is attached

I forgot to add this to the redline and something else you asked me to do. So sorry I am just really tired and have to go home and crash now. Will you be able to add to the redline prior to sending to the program area tomorrow morning? Am I still waiting for a file from Barbara, or did I miss it?

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:26 PM
To: Jones, Danielle Y. EOP/OMB <**Ex. 6 - Personal Privacy email**>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 5 - Deliberative Process

From: Jones, Danielle Y. EOP/OMB [mailto:**Ex. 6 - Personal Privacy email**]
Sent: Wednesday, November 30, 2016 11:20 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
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Danielle Y. Jones

Policy Analyst

Office of Management and Budget

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To: Jones, Danielle Y. EOP/OMB | Ex. 6 - Personal Privacy email

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Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

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From: Jones, Danielle Y. EOP/OMB <[REDACTED]> **Ex. 6 - Personal Privacy email**
Sent: Wednesday, November 30, 2016 9:33 PM
To: Cogliano, Gerain; Hoffman, Wendy
Subject: FW: Section 7 draft is attached

To keep you both in the loop [REDACTED] I have placed a
comment bubble for each edit. **Ex. 5 - Deliberative Process**

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

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Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>;
Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB
Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>;
Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: Section 7 draft is attached

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Office of Management and Budget

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Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>;

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Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

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Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]; Jones, Danielle Y.
EOP/OMB: Ex. 6 - Personal Privacy email
From: Cogliano, Gerain
Sent: Thur 12/1/2016 5:48:53 AM
Subject: Re: Section 7 draft is attached

I hate to say this but I have to call it a night. I'll be in the office early-ish (depending on the commute) to get the ball moving again. What am I saying...it is early morning; not night. lol

From: Hoffman, Wendy
Sent: Thursday, December 1, 2016 12:42 AM
To: Jones, Danielle Y. EOP/OMB; Cogliano, Gerain
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto: Ex. 6 - Personal Privacy email
Sent: Thursday, December 01, 2016 12:18 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:17 AM
To: Jones, Danielle Y. EOP/OMB <[redacted] Ex. 6 - Personal Privacy email >; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:[redacted] Ex. 6 - Personal Privacy email]
Sent: Thursday, December 01, 2016 12:14 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

It's the one thing that keeps me going at this point. Although, that being said, [redacted] Ex. 6 - Personal Privacy/non-responsive personal information

Ex. 6 - Personal Privacy/non-responsive personal information

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | [redacted] Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:12 AM
To: Jones, Danielle Y. EOP/OMB <[redacted] Ex. 6 - Personal Privacy email > Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Just think of those gorgeous beaches in Puerto Rico and the northern lights waiting for you in Iceland....

From: Jones, Danielle Y. EOP/OMB [mailto:]

Ex. 6 - Personal Privacy email

Sent: Thursday, December 01, 2016 12:09 AM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Okay. Make sure you get rest okay. I can run on fumes. My motto is "I will rest when I am dead."

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Thursday, December 1, 2016 12:08 AM

To: Jones, Danielle Y. EOP/OMB < **Ex. 6 - Personal Privacy email** Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:]

Ex. 6 - Personal Privacy email

Sent: Thursday, December 01, 2016 12:05 AM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

I am drinking a coca cola to stay awake at this point. Plus I got a huge bag of chocolates for a sugar rush for when the caffeine no longer works...

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Thursday, December 1, 2016 12:02 AM

To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

Wendy makes a good strong cup of coffee! I certainly enjoyed the cup she made me this morning! The caffeine definitely was working throughout the day!

From: Jones, Danielle Y. EOP/OMB Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:58 PM

To: Cogliano, Gerain

Cc: Hoffman, Wendy

Subject: RE: Section 7 draft is attached

Fantastic. I also spoke with Sonya to let her know

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

a BIG cup of joe in the mornig.

I am going to need

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Sent: Wednesday, November 30, 2016 11:57 PM
To: Jones, Danielle Y. EOP/OMB
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

Ex. 6 - Personal Privacy email

Definitely! BTW, I've asked Sonya if Barnes would attend or at least be available to call in quickly, if needed.

From: Jones, Danielle Y. EOP/OMB <
Sent: Wednesday, November 30, 2016 11:49 PM
To: Hoffman, Wendy; Cogliano, Gerain
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy email

Good night and talk to you tomorrow morning. Are you going to be on the SBAR Panel call at 9 am?

Danielle Y. Jones

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Cc: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy email

My eyes are falling out of my head. I will need to throw in the towel !!

From: Jones, Danielle Y. EOP/OMB [mailto:
Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:44 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Just did ☺ Now onto the preamble and rule!

Danielle Y. Jones

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<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Thank goodness! Will you send it back to me tonight?

From: Jones, Danielle Y. EOP/OMB [<mailto:Cogliano.Gerain@epa.gov>] **Ex. 6 - Personal Privacy email**
Sent: Wednesday, November 30, 2016 11:36 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Just looking at all of the changes. And correcting an modifications that were not agreed upon.
Very few edits.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Wednesday, November 30, 2016 11:35 PM

To: Jones, Danielle Y. EOP/OMB <[mailto:Ex. 6 - Personal Privacy email]@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Did you take a speed reading class or are you just looking at changes? That was fast!

From: Jones, Danielle Y. EOP/OMB [mailto:Ex. 6 - Personal Privacy email]

Sent: Wednesday, November 30, 2016 11:33 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

Thanks for giving them grief Wendy! And thanks Gerain for the empathy. The good news is that I am almost finished with the RIA. Will send out shortly

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Wednesday, November 30, 2016 11:32 PM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email

Subject: Re: Section 7 draft is attached

So sorry, Danielle, for the lack of a redlined version. I know Wendy gave them grief for making this all that more difficult on you!

From: Hoffman, Wendy
Sent: Wednesday, November 30, 2016 11:27 PM
To: Jones, Danielle Y. EOP/OMB
Cc: Cogliano, Gerain
Subject: RE: Section 7 draft is attached

Thank goodness. I let them know that this was not what you were expecting and it's creating extra work when that's the last thing you need!

From: Jones, Danielle Y. EOP/OMB [mailto:[Ex. 6 - Personal Privacy email](#)]
Sent: Wednesday, November 30, 2016 11:20 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: RE: Section 7 draft is attached

By the way I'm in chapter 7 of the RIA. Going a lot fast with the actual redline!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | [Ex. 6 - Personal Privacy email](#)

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:18 PM
To: Jones, Danielle Y. EOP/OMB [Ex. 6 - Personal Privacy email](#)
Subject: RE: Section 7 draft is attached

Ex. 5 - Deliberative Process

From: Jones, Danielle Y. EOP/OMB [mailto:[Ex. 6 - Personal Privacy email](#)]
Sent: Wednesday, November 30, 2016 10:24 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Can you call me please. I'm in my office/cubicle.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | [Ex. 6 - Personal Privacy email](#)

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 10:01 PM
To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email> Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

I am taking a look now.

From: Jones, Danielle Y. EOP/OMB [mailto:[Ex. 6 - Personal Privacy email](#)]
Sent: Wednesday, November 30, 2016 9:59 PM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: RE: Section 7 draft is attached

Thanks for the second set of eyes Gerain.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | djones@epa.gov Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Sent: Wednesday, November 30, 2016 9:52 PM
To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

In the process of reading it, already found a couple of minor edits. Will finish reading.

From: Jones, Danielle Y. EOP/OMB Ex. 6 - Personal Privacy email
Sent: Wednesday, November 30, 2016 9:33 PM
To: Cogliano, Gerain; Hoffman, Wendy
Subject: FW: Section 7 draft is attached

To keep you both in the loop, Ex. 5 - Deliberative Process I have placed a comment bubble for each edit: Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Jones, Danielle Y. EOP/OMB

Sent: Wednesday, November 30, 2016 9:33 PM

To: 'Wiggins, Lanelle' <Wiggins.Lanelle@epa.gov>; kevin.bromberg@sba.gov

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>; Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: RE: Section 7 draft is attached

Please see my attached comments. I have added my comments and edits to Kevin's. Kevin, please review these edits as well, since I took liberty to add/modify your edits.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Wiggins, Lanelle [mailto:Wiggins.Lanelle@epa.gov]

Sent: Wednesday, November 30, 2016 2:50 PM

To: kevin.bromberg@sba.gov; Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>; Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: Section 7 draft is attached

Attached is a draft of section 7. We have tried to include redline strikeout as much as possible.

Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]; Cogliano, Gerain[Cogliano.Gerain@epa.gov]
From: Jones, Danielle Y. EOP/OMB
Sent: Thur 12/1/2016 5:45:34 AM
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:42 AM
To: Jones, Danielle Y. EOP/OMB <[mailto:Jones.Danielle.Y@epa.gov]>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov> **Ex. 6 - Personal Privacy email**
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:Jones.Danielle.Y@epa.gov] **Ex. 6 - Personal Privacy email**
Sent: Thursday, December 01, 2016 12:18 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:17 AM
To: Jones, Danielle Y. EOP/OMB <[mailto:Ex. 6 - Personal Privacy email] Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:Ex. 6 - Personal Privacy email]
Sent: Thursday, December 01, 2016 12:14 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

It's the one thing that keeps me going at this point. Although, that being said, Ex. 6 - Personal Privacy/non-responsive personal information

Ex. 6 - Personal Privacy/non-responsive personal information

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:12 AM
To: Jones, Danielle Y. EOP/OMB <[mailto:Ex. 6 - Personal Privacy email] Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Just think of those gorgeous beaches in Puerto Rico and the northern lights waiting for you in Iceland....

From: Jones, Danielle Y. EOP/OMB [mailto:] **Ex. 6 - Personal Privacy email**
Sent: Thursday, December 01, 2016 12:09 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Okay. Make sure you get rest okay. I can run on fumes. My motto is "I will rest when I am dead."

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:08 AM
To: Jones, Danielle Y. EOP/OMB <] **Ex. 6 - Personal Privacy email** Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy/non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:] **Ex. 6 - Personal Privacy email**
Sent: Thursday, December 01, 2016 12:05 AM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: RE: Section 7 draft is attached

I am drinking a coca cola to stay awake at this point. Plus I got a huge bag of chocolates for a sugar rush for when the caffeine no longer works...

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Thursday, December 1, 2016 12:02 AM

To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

Wendy makes a good strong cup of coffee! I certainly enjoyed the cup she made me this morning! The caffeine definitely was working throughout the day!

From: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>

Sent: Wednesday, November 30, 2016 11:58 PM

To: Cogliano, Gerain

Cc: Hoffman, Wendy

Subject: RE: Section 7 draft is attached

Fantastic. I also spoke with Sonya to let her know Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

am going to need a BIG cup of joe in the morning.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Wednesday, November 30, 2016 11:57 PM

To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

Definitely! BTW, I've asked Sonya if Barnes would attend or at least be available to call in quickly, if needed.

From: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>

Sent: Wednesday, November 30, 2016 11:49 PM

To: Hoffman, Wendy; Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Good night and talk to you tomorrow morning. Are you going to be on the SBAR Panel call at 9 am?

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Wednesday, November 30, 2016 11:49 PM

To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email> Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

My eyes are falling out of my head. I will need to throw in the towel !!

From: Jones, Danielle Y. EOP/OMB [mailto:]
Sent: Wednesday, November 30, 2016 11:44 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy email

Just did ☺ Now onto the preamble and rule!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:38 PM
To: Jones, Danielle Y. EOP/OMB < **Ex. 6 - Personal Privacy email** >; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Thank goodness! Will you send it back to me tonight?

From: Jones, Danielle Y. EOP/OMB [mailto:]
Sent: Wednesday, November 30, 2016 11:36 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy email

Just looking at all of the changes. And correcting
Very few edits.

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Wednesday, November 30, 2016 11:35 PM

To: Jones, Danielle Y. EOP/OMB <**Ex. 6 - Personal Privacy email**>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Did you take a speed reading class or are you just looking at changes? That was fast!

From: Jones, Danielle Y. EOP/OMB [mailto:**Ex. 6 - Personal Privacy email**]

Sent: Wednesday, November 30, 2016 11:33 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hoffman, Wendy
<Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

Thanks for giving them grief Wendy! And thanks Gerain for the empathy. The good news is that I am almost finished with the RIA. Will send out shortly

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

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Danielle Y. Jones

Policy Analyst

Office of Management and Budget

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Sent: Wednesday, November 30, 2016 11:18 PM
To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>
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Ex. 5 - Deliberative Process

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Danielle Y. Jones

Policy Analyst

Office of Management and Budget

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<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

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Sent: Wednesday, November 30, 2016 9:59 PM
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Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: RE: Section 7 draft is attached

Thanks for the second set of eyes Gerain.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

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Subject: FW: Section 7 draft is attached

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

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Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>; Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email; Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: RE: Section 7 draft is attached

Please see my attached comments. I have added my comments and edits to Kevin's. Kevin, please review these edits as well, since I took liberty to add/modify your edits.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Wiggins, Lanelle [<mailto:Wiggins.Lanelle@epa.gov>]

Sent: Wednesday, November 30, 2016 2:50 PM

To: kevin.bromberg@sba.gov; Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>; Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email; Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: Section 7 draft is attached

Attached is a draft of section 7. We have tried to include redline strikeout as much as possible.

Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
From: Ames, Jeremy
Sent: Tue 3/21/2017 9:25:23 PM
Subject: RE: Request for PMCAO participation on 108(b) HRM outreach subgroup

Hi Sonya,

Yes this is fine with us, Greta can continue to serve as the CSS communications specialist for 108(b) and will work with the team. Please keep me on the CC as things progress. Thanks.

Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358

Follow us [@EPALand](#)

From: Sasseville, Sonya
Sent: Wednesday, March 15, 2017 2:58 PM
To: Huff, Mark J <huff.markj@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>
Subject: Request for PMCAO participation on 108(b) HRM outreach subgroup

Jeremy, as we discussed, we are requesting that someone from CSS participate on the outreach team for the hardrock mining rule.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know if you want to discuss or have any questions. Thanks.

Ex. 5 - Deliberative Process

Sonya Sasseville

Director, Program Implementation and Information Division

Office of Resource Conservation and Recovery/OLEM

U.S. Environmental Protection Agency

(703) 308-8648

To: Huff, Mark J[huff.markj@epa.gov]
From: Johnson, Barnes
Sent: Tue 3/21/2017 6:42:04 PM
Subject: FW: 108(b) 3-pager -- Is this still current?
CERCLA 108(b) updated 02 24 17.docx
CERCLA 108(b) 02 08 17 updated 02 24 17 redline.docx

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | @EPALand

From: Brooks, Becky
Sent: Friday, February 24, 2017 12:12 PM
To: Radtke, Meghan <Radtke.Meghan@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Vyas, Peggy <Vyas.Peggy@epa.gov>
Subject: RE: 108(b) 3-pager -- Is this still current?

Barry had minor edits that I incorporated. Attached is a revised redline and clean version. The clean version was sent to the AO. Thank you. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Radtke, Meghan

Sent: Friday, February 24, 2017 10:08 AM

To: Brooks, Becky <Brooks.Bekky@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>;

Vyas, Peggy <Vyas.Peggy@epa.gov>

Subject: RE: 108(b) 3-pager -- Is this still current?

Hi Becky,

Here is the updated paper, in track changes, as requested.

Thank you!

Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: Ex. 6 - Personal Phone

From: Brooks, Becky
Sent: Friday, February 24, 2017 8:14 AM
To: Huggins, Richard <Huggins.Richard@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: 108(b) 3-pager -- Is this still current?

Any word on this? We need to get it to the AO this morning. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Brooks, Becky
Sent: Wednesday, February 22, 2017 1:55 PM
To: Huggins, Richard <huggins.richard@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>
Cc: Hilosky, Nick <hilosky.nick@epa.gov>
Subject: 108(b) 3-pager -- Is this still current?
Importance: High

For the Administrator's upcoming meeting with the Western Governors' Association, we want to provide the AO with this paper (understanding that it went to some of the transition folks a couple of weeks ago.) Can you please review it and see if any changes need to be made? If changes are made, can you please return this in redline/strikeout? Thank you. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

To: Hofmann, Lee[Hofmann.Lee@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
From: Shimeles, Taetaye
Sent: Fri 3/17/2017 9:18:28 PM
Subject: RE: revisions to table
Options for modifying the hrm rule 20 Attachment 5 notes on Barnes's input.docx

Hi both,

Ex. 5 - Deliberative Process

Taetaye Shimeles

Environmental Engineer

Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
Phone: 703-308-8729

E-mail: shimeles.taetaye@epa.gov



From: Hofmann, Lee
Sent: Friday, March 17, 2017 4:09 PM
To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Subject: FW: revisions to table

Elizabeth Lee Hofmann, Ph.D., D.A.B.T.
Chief, Economics and Risk Analysis Staff
Program Management, Communications,
and Analysis Office
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Mail Code 5305P
Washington, D.C. 20460-001

Phone: 703-308-8479
Fax: 703-308-7904

Delivery Address:
South Tower, Potomac Yards
2777 Crystal Drive
Arlington, VA 22202

From: Johnson, Barnes
Sent: Friday, March 17, 2017 4:08 PM
To: Hofmann, Lee <Hofmann.Lee@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: RE: revisions to table

This is fine. Thanks for focusing on this.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

From: Hofmann, Lee
Sent: Friday, March 17, 2017 4:07 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: revisions to table

Barnes,

We have just gotten back some information from

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Lee

Elizabeth Lee Hofmann, Ph.D., D.A.B.T.
Chief, Economics and Risk Analysis Staff
Program Management, Communications,
and Analysis Office
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Mail Code 5305P
Washington, D.C. 20460-001

Phone: 703-308-8479
Fax: 703-308-7904

Delivery Address:
South Tower, Potomac Yards
2777 Crystal Drive
Arlington, VA 22202

To: Huff, Mark J[huff.markj@epa.gov]
From: Ames, Jeremy
Sent: Thur 3/16/2017 12:36:17 PM
Subject: RE: Request for PMCAO participation on 108(b) HRM outreach subgroup

Discussed with Greta, looks okay to us. Thoughts?

Jeremy

From: Sasseville, Sonya
Sent: Wednesday, March 15, 2017 2:58 PM
To: Huff, Mark J <huff.markj@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>
Subject: Request for PMCAO participation on 108(b) HRM outreach subgroup

Jeremy, as we discussed, we are requesting that someone from CSS participate on the outreach team for the hardrock mining rule.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Please let me know if you want to discuss or have any questions. Thanks.

Draft Deliberative

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sonya Sasseville

Director, Program Implementation and Information Division

Office of Resource Conservation and Recovery/OLEM

U.S. Environmental Protection Agency

(703) 308-8648

To: Huff, Mark J[huff.markj@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Fri 3/10/2017 11:10:32 PM
Subject: Draft of the briefing
Options for modifying the hrm rule 20.docx

Mark,

Thank you for your understanding this morning. Attached is a draft of the briefing for your review.

Ex. 5 - Deliberative Process

I'll check mail over the weekend, and revise this if you send comments.

Thanks

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Hockey, David[Hockey.David@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
Cc: Salyer, Kathleen[Salyer.Kathleen@epa.gov]; Huff, Mark J[huff.markj@epa.gov]; Openchowski, Charles[openchowski.charles@epa.gov]; Holden, Allison[Holden.Allison@epa.gov]
From: Beasley, Lynn
Sent: Wed 8/16/2017 3:01:11 PM
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Attorney Client, Deliberative Process

Lynn M. Beasley, Chief

Resources Management Staff (RMS)/Program Management, Communications, and Analysis Office (PMCAO)

Office of Resource Conservation and Recovery (ORCR)

Mail Code: 5305P

office: (703) 308-0012

cell: Ex. 6 - Personal Privacy cell phone

From: Stachowiak, Robert

Sent: Thursday, August 10, 2017 2:19 PM

To: Hockey, David <Hockey.David@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

How about this?

•☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be

used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Attorney Client, Deliberative Process

Also adding back in Allison Holden in OGC/CRFLO, who got dropped off of the chain. Also noticed Barbara Foster got dropped off, don't know whether she should review too.

-R

From: Hockey, David
Sent: Thursday, August 10, 2017 1:34 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks.

From: Johnson, Barnes
Sent: Thursday, August 10, 2017 1:32 PM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Good. Let's go with this approach.

Sent from my iPhone

On Aug 10, 2017, at 1:27 PM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Ex. 5 - Deliberative Process

- ☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 1:09 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hockey, David <Hockey.David@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Attorney Client, Deliberative Process

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Aug 10, 2017, at 12:52 PM, Johnson, Barnes <Johnson.Barnes@epa.gov> wrote:

Ex. 5 - Deliberative Process

On Aug 10, 2017, at 12:34 PM, Hockey, David <Hockey.David@epa.gov> wrote:

From Rob --

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 12:34 PM
To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave -

Just to memorialize our conversation earlier -

Ex. 5 - Attorney Client, Deliberative Process

Let me know if I can be of further assistance. After today, please contact Charles, who will be covering for me while I'm

Ex. 6 - Personal privacy

-R

From: Hockey, David

Sent: Thursday, August 10, 2017 11:18 AM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Please OK or edit

Ex. 5 - Attorney Client, Deliberative Process

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 10:59 AM
To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave —

Ex. 5 - Attorney Client, Deliberative Process

I would be happy to work with OLEM and OCIR if you want to suggest an alternative response, or alternative language.

Hope this helps.

-R

Bill Language:

- ☐☐☐☐☐☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Attorney Client /Deliberative Process

From: Hockey, David

Sent: Thursday, August 10, 2017 9:08 AM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Language for review. Please give me a call if you want to discuss. We need to respond to the Senate this morning on the language they've drafted re: 108(b). Thanks.

Dave

703-308-8846

From: Hockey, David

Sent: Thursday, August 10, 2017 8:51 AM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>

Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J
<huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>;
Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara
<Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and
Related Agencies Capability/Impact Statements

Barnes – Lynn and I called Jen and talked about this language. She now
understands your point and recommended a very straight forward response, see
below.

Sonya – can your folks add any necessary cites to the consent decree/agreement?

Due ASAP obviously.

Dave

Bill Language:

•☐☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any

other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Wednesday, August 09, 2017 8:20 PM
To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>
Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Sent from my iPhone

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

(202) 564-0580

On Aug 9, 2017, at 6:04 PM, Wilbur, Jennifer <Wilbur.Jennifer@epa.gov> wrote:

Ex. 5 - Attorney Client, Deliberative Process

From: Johnson, Barnes

Sent: Wednesday, August 09, 2017 6:02 PM

To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov | [@EPALand](https://twitter.com/EPALand)

From: Wilbur, Jennifer
Sent: Wednesday, August 09, 2017 5:52 PM
To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Did you send the 108b language??? I'm sorry – I searched, I'm tired, and too many things....

From: Wilbur, Jennifer
Sent: Wednesday, August 02, 2017 1:47 PM
To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements
Importance: High

ORCR,

This is a request for a capability/impact statement for language potentially in the Senate Approps Subcommittee report and bill language. By Friday, COB, please complete the attached template.

Report Language:

- ☐☐☐☐☐☐ (OLEM) Anaerobic Digesters. -The Committee recommends \$5,000,000 for public entities to demonstrate community anaerobic digester applications to municipal solid waste streams and farm needs such as capturing excess phosphorus. Priority shall be given to projects in states that have enacted statewide laws requiring the diversion of all food scraps and similar organic waste from municipal solid waste streams within a proscribed schedule.

Bill Language:

- ☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

From: Budget and Planning

Sent: Tuesday, August 01, 2017 3:46 PM

To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>

Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Volin.Phyllis@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

Subject: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Senior Budget Officers,

Attached please find the official guidance for submitting responses to the request to provide capability/impact statements to the Senate Subcommittee on the Interior, Environment, and Related Agencies. Thank you in advance for having begun the work and for your collaboration as we work through the review and approval process. If you have any questions, please contact your Media Analyst.

Thank you,

Office of Budget/BFCS Formulation Team

From: Sasseville, Sonya
Location: conference line Ex. 6 - Conference Code **code** Ex. 6 - Conference Code
Importance: High
Subject: FW: CERCLA 108(b) Panel Report discussion
Start Date/Time: Mon 11/14/2016 7:30:00 PM
End Date/Time: Mon 11/14/2016 8:30:00 PM
[HRM Panel Report SBA and OMB comments on 10-20 version - section 7.docx](#)
[Draft Panel Recommendations EPA 11-14.docx](#)

Just noticed you are not on invite. Are you able to come up?

-----Original Appointment-----

From: Wiggins, Lanelle
Sent: Thursday, November 10, 2016 5:12 PM
To: Wiggins, Lanelle; Jones, Danielle Y. EOP/OMB; Laity, Jim A. EOP/OMB;
kevin.bromberg@sba.gov; Waqar, Tayyaba; Maresca, Charles A.; Sasseville, Sonya; Johnson,
Barnes; Krueger, Anna; Barr, Linda; Stachowiak, Robert; Foster, Barbara; Hoffman, Wendy;
Nickerson, William
Cc: Farber, Glenn
Subject: CERCLA 108(b) Panel Report discussion
When: Monday, November 14, 2016 2:30 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: conference line 866-299-3188 code 202 566 2372

Wiggins, Lanelle has shared a OneDrive for Business file with you. To view it, click the link below.

[HRM Panel Report SBA and OMB comments on 10-20 version - section 7.docx](#)

I am attaching the full 10/20 version of the Panel report with SBA and OMB in track changes.

I am also attaching just section 7 with SBA and OMB comment bubbles that indicate either SBA or OMB.

Finally, I am attaching a new EPA version of just panel recommendation dated today.

OFFICE OF LAND AND EMERGENCY MANAGEMENT

CONTROLLED CORRESPONDENCE and FOIA REQUESTS

**PREVIEW
For Week Ending:**

December 2, 2016

<i>ACTION OFFICE</i>	<i>CONTROL NUMBER</i>	<i>SUBJECT</i>	<i>DUE DATE</i>	<i>STATUS</i>
IO	AL-16-001-1581 Jeff Flake	CERCLA 108(b) Hard rock Mining Bonding Requirements	9-7-2016	Ex. 5 - Deliberative Process
OEM	AX-17-000-1392 Betsie Chacko	Integrated Consortium of Laboratory Networks Memorandum of Agreement	11-25-2016	
	AX-17-000-1460 Vincent Sapienza	DRF-Modernization of the Accidental Release Prevention Regulations under Clean Air Act	12-1-2016	
	EPA-HQ-2014-006764 Rick Hind	Requesting copies of all releasable documents and records regarding EPA meetings and communications with petro-chemical industry representatives regarding chemical facility safety, security and disaster prevention	6-24-2014	
	EPA-HQ-2014-007716 Sam Pearson	All communications, including memos, emails, or any other written correspondence, related to the release of the report of the interagency task force on chemical safety ("A Shared Commitment: Improving Chemical Facility Safety and Security") on or around June 6, 2014	7-22-2014	

	EPA-HQ-2015-005948 Marquel Jordan	Requesting copies of any and all documents or records possessed by EPA concerning Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy s activities on or about January 9, 2014 or the environmental testing and cleanup thereafter	3-24-2016
	EPA-HQ-2016-001296 Jesse Coleman	Details of all internal communications and communications with BP and/or the unified command regarding the use of dispersants and any human safety and health concerns for spill workers	12-11-2015

Ex. 5 - Deliberative Process

	EPA-HQ-2016-001298 Jesse Coleman	Details of all internal communications and communications with BP and/or the unified command regarding personal protective equipment, respirators, industrial hygiene, environmental health and safety, air monitoring and testing	12-11-2015
	EPA-HQ-2016-008634 Ann Prouty	To assist in an efficient response and to impose the least burden on EPA, we request that these requests be directed to Mark Howard	11-7-2016
	EPA-HQ-2017-000327 Robert A. Campos	Request a copy of the following documents: Beginning January 1, 2009, any and all analysis, peer review, peer analysis, correspondence, emails, graphs, bar graphs and charts regarding the proposed Protective Action Guides for radiological Incidents	11-22-2016
ORCR	OSWER-13-000-5903 Lisa Evans	May 14 th Coal Ash Meeting	1-17-2014
	OSWER-15-001-4232 William BlueDog	REQ-List of items that shouldn't be in a landfill (garbage collection/recycling operation)	1-15-2016
	OLEM-16-000-7066 Floyd C. Parker	COMPLT-Fracking or lateral drilling of the lower Gallup in the San Juan Basin	5-3-2016
	OLEM-16-001-0452 Robert J.	COMMENT-CERCLA 108(b) Financial Assurance Requirement	9-30-2016

Ex. 5 - Deliberative Process

	Duke		
	OLEM-17-000-0412 Ramon Peguero	REQ INFO-Disposing of waste (biohazards), waste water (rain effluent) and the response methods	11-10-2016
	AX-13-001-1169 Michael Brune	Daily Reading File-We urge EPA to develop a comprehensive strategy to ensure that our nation's expanding natural gas and infrastructure does not endanger public health or the environment	3-27-2014
	AX-16-000-6950 Craig Looby	Waste to energy solution proposal	6-16-2016
	AX-16-000-9222 Robert Mitchell	DRF-Coal ash disposal rule (40 CFR Parts 257 & 261)	6-30-2016
	AX-16-001-0217 Bonnie Gestring	DRF-CERCLA 108(b) financial assurance regulations	9-28-2016
	AX-16-001-1596 Jonathan Downing	DRF-Reconsideration of approach using rules under section 108(b) of the Comprehensive Environmental response, Compensation and Liability Act	9-23-2016
	AX-17-000-1113 Angelina Lee	Ban all disposable and non-biodegradable plastics	11-21-2016
	AL-16-001-1061 Robert Bishop	EPA'S CERCLA 108(b) Proposal	8-19-2016
	AL-16-001-1792 Luis V. Gutierrez	Concerns with EPA's in action in the face of repeated violations of Subtitle D of the Resource Conservation and Recovery Act (RCRA) by noncompliant landfills on the Island of Puerto Rico	9-13-2016
	OECA-17-000-0602 William Griffin	Isolyser SMS Sharps Self Disposal System	11-3-2016
	EPA-HQ-2015-004309 Jared E. Knicley	Records that concerns the storage and disposal of wastes from oil and gas exploration, development and production (E&P wastes)	3-18-2015
	EPA-HQ-2016-002375 Anne	All communications from January 2010 to the present between the	1-28-2016

Ex. 5 - Deliberative Process

	Passino	U.S. Environmental Protection Agency (“EPA”) and the Tennessee Department of Environment and Conservation (“TDEC”) relating to the Tennessee Valley Authority (“TVA”)	
	EPA-HQ-2016-002781 Jonathan Clement	Seeking a certified copy of all documents, correspondence or memos between Dr. Cate Jenkins and Ex. 6 - Personal Privacy including Dr. Jenks’ memorandum of April 16, 2004	2-17-2016
	EPA-HQ-2016-004995 James E. Mitchell	Contact name and information for all municipal solid waste landfills identified on the attached document	4-19-2016
	EPA-HQ-2016-009286 Elizabeth Noakes	Hydrodec North America LLC PCB Storage Permit Application and Closures Plan	9-8-2016
	EPA-HQ-2016-009297 Peter Harrison	Records related to Assessment of Dam Safety at Gulf Power Company’s James F. Crist Generating Plant	9-8-2016
	EPA-HQ-2016-009838 Mark Fink	Information regarding the PolyMet Mine (DOI/USGS Referral)	9-28-2016
	EPA-HQ-2016-009985 Brian Dabbs	Any and all communications between the Environmental Protection Agency and the Bureau of Land Management, U.S. Forest Service and all states regarding the EPA’s rulemaking proposal on financial assurances for the hard rock mining industry	11-18-2016
	EPA-HQ-2016-010561 Ronald Durbin	A list of RCRA TSDF permit holders for the past five years in your EPA region who treat or dispose of waste D003 reactive waste, explosive subcategory	10-25-2016
	EPA-HQ-2017-000717 Daniel Stewart	An electronic database of all current and former RCRA generation data for every registered RCRA identification number, including a complete history such as changes in classification and wastes overtime	11-25-2016
	EPA-HQ-2017-	Request all records, memos and	12-1-2016

Ex. 5 - Deliberative Process

	000864 Abraham Lustgarten	correspondence concerning the practices and waste disposal processes of the company U.S. Technology at both headquarters and EPA Region 4	
	EPA-HQ-2017-000936 Paula Dinerstein	Requesting EPA adherence to White House and OPM regulations and directives related to sound science in its response to the petition to revise the EPA Corrosivity Characteristic regulation	12-2-2016
OSRTI	AX-16-000-7149 A.L. Dutch Kautman	The politics of Superfund	11-28-2016
	AX-17-000-1328 Christopher R. Gibbons	DRF-Public comments concerning the proposed listing of the McCaffrey Street Site in Hoosick Falls, NY on the National Priorities List; Docket No. EPA-HQ-OLEM-2016-0434	11-29-2016
	EPA-HQ-2015-008081 Melissa Love	Copy of Ex. 6 - Personal Privacy proposal, white paper, contract for preparing, billing invoices, program, and attendance information in regard to the 2011 US EPA On-Scene Coordinator Readiness Conference	8-30-2016
	EPA-HQ-2016-005895 Ethan Barton	Requesting documents regarding EPA's Data Element Dictionary	5-17-2016
	EPA-HQ-2016-007904 Ethan Barton	Requesting copies of any and all documents produced for or produced by the Special Accounts Senior Management Committee from January 1, 2010 through June 21, 2016	8-19-2016
	EPA-HQ-2016-007905 Ethan Barton	Requesting copies of any and all documents and records produced for or produced by the National Risk-Based Priority Panel from January 1, 2010-June 21, 2016	8-22-2016
	EPA-HQ-2016-010421 Roger H. Miksad	Current and updated copy of EPA's "Eckel" site progress tracking spreadsheet	11-30-2016
	EPA-HQ-2017-000327 Robert A. Campos	Request a copy of the following documents: Beginning January 1, 2009, any and all analysis, peer review, peer analysis,	11-22-2016

Ex. 5 - Deliberative Process

		correspondence, emails, graphs, bar graphs and charts regarding the proposed Protective Action Guides for radiological Incidents		
--	--	---	--	--

To: Hockey, David[Hockey.David@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
Cc: Salyer, Kathleen[Salyer.Kathleen@epa.gov]; Huff, Mark J[huff.markj@epa.gov]; Beasley, Lynn[Beasley.Lynn@epa.gov]; Openchowski, Charles[openchowski.charles@epa.gov]; Holden, Allison[Holden.Allison@epa.gov]
From: Stachowiak, Robert
Sent: Thur 8/10/2017 6:18:56 PM
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

How about this?

- ☐☐☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process, Atty-Client

Also adding back in Allison Holden in OGC/CRFLO, who got dropped off of the chain. Also noticed Barbara Foster got dropped off, don't know whether she should review too.

-R

From: Hockey, David
Sent: Thursday, August 10, 2017 1:34 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Salyer, Kathleen

<Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn
<Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies
Capability/Impact Statements

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process Thanks.

From: Johnson, Barnes
Sent: Thursday, August 10, 2017 1:32 PM
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Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hockey, David
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Capability/Impact Statements

Ex. 5 - Deliberative Process

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Ex. 5 - Attorney Client, Deliberative Process

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Washington, D.C. 20460
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USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov | [@EPALand](#)

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Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Importance: High

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This is a request for a capability/impact statement for language potentially in the Senate Approps Subcommittee report and bill language. By Friday, COB, please complete the attached template.

Report Language:

•☐☐☐☐☐☐ (OLEM) Anaerobic Digesters. -The Committee recommends \$5,000,000 for public entities to demonstrate community anaerobic digester applications to municipal solid waste streams and farm needs such as capturing excess phosphorus. Priority shall be given to projects in states that have enacted statewide laws requiring the diversion of all food scraps and similar organic waste from municipal solid waste streams within a proscribed schedule.

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To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>

Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Gul.Beg@epa.gov>; Ripley, Laura <Laura.Ripley@epa.gov>; Volin, Phyllis <Phyllis.Volin@epa.gov>; Terris, Carol <Carol.Terris@epa.gov>; Williams, Maria <Maria.Williams@epa.gov>; Walsh, Ed <Ed.Walsh@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

Subject: FY 2018 Senate Subcommittee on the Interior, Environment, and

Related Agencies Capability/Impact Statements

Senior Budget Officers,

Attached please find the official guidance for submitting responses to the request to provide capability/impact statements to the Senate Subcommittee on the Interior, Environment, and Related Agencies. Thank you in advance for having begun the work and for your collaboration as we work through the review and approval process. If you have any questions, please contact your Media Analyst.

Thank you,

Office of Budget/BFCS Formulation Team

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Cc: Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Salyer, Kathleen[Salyer.Kathleen@epa.gov]; Huff, Mark J[huff.markj@epa.gov]; Beasley, Lynn[Beasley.Lynn@epa.gov]; Openchowski, Charles[openchowski.charles@epa.gov]
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Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Barnes – Lynn and I called Jen and talked about this language. She now understands your point and recommended a very straight forward response, see below.

Sonya – can your folks

Ex. 5 - Deliberative Process

Due ASAP obviously.

Dave

Bill Language:

•☐☐☐☐☐☐☐☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

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Hockey, David <Hockey.David@epa.gov>; Foster, Barbara

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Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Attorney Client, Deliberative Process

Sent from my iPhone

Robert Stachowiak

U.S. Environmental Protection Agency

Office of General Counsel (2366A)

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

(202) 564-0580

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USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov | [@EPAland](https://twitter.com/EPAland)

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Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements
Importance: High

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Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Volin.Phyllis@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

Subject: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Senior Budget Officers,

Attached please find the official guidance for submitting responses to the request to provide capability/impact statements to the Senate Subcommittee on the Interior, Environment, and Related Agencies. Thank you in advance for having begun the work and for your collaboration as we work through the review and approval process. If you have any questions, please contact your Media Analyst.

Thank you,

Office of Budget/BFCS Formulation Team

To: Huff, Mark J[huff.markj@epa.gov]
From: Foster, Barbara
Sent: Thur 10/19/2017 4:19:18 PM
Subject: FW: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings
Rule impacts BF comments redline.docx

From: Foster, Barbara
Sent: Thursday, October 19, 2017 11:56 AM
To: Palmer, Scott <Palmer.Scott@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Scott

Attached are my comments

From: Palmer, Scott
Sent: Thursday, October 19, 2017 10:56 AM
To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Hi Taetaye, Thanks for the quick turnaround on your comments – and great feedback ☺ ! I'm now also adding Mark H. to this e-mail distribution with the updated version attached, so that he can see what this section of the preamble will look like.

Regarding my draft write-up, I'm glad you found it to be clear and concise, and we appreciate your suggested tweaks. I made all of your suggested changes, except for your **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Thanks again so much , Scott ☺

From: Shimeles, Taetaye

Sent: Wednesday, October 18, 2017 4:40 PM

To: Palmer, Scott <Palmer.Scott@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Mooney, Charlotte <Mooney.Charlotte@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Kline, Bill <Kline.Bill@epa.gov>

Subject: RE: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Scott,

Thanks for sharing this. I thought the writing was clear and concise. I just have a few comments specific to the RIA results. But I refrained myself from commenting on the public comments because I'm not as familiar with them. If you have questions, please let me know. Thanks!

Taetaye Shimeles

Environmental Engineer

Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
Phone: 703-308-8729

E-mail: shimeles.taetaye@epa.gov



From: Palmer, Scott

Sent: Wednesday, October 18, 2017 10:13 AM

To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya

<Sasseville.Sonya@epa.gov>; Birchfield, Norman <Birchfield.Norman@epa.gov>; Mooney,

Charlotte <Mooney.Charlotte@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Kline, Bill

<Kline.Bill@epa.gov>

Subject: Draft Preamble Text - Summarizing Overarching Public Comments Pertaining to the RIA Findings

Hi Taetaye, Hope all is well.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Attached is a copy of my draft, and we'd like to ask if you could review it for any necessary changes.

Ex. 5 - Deliberative Process

Let me know your thoughts ASAP. Sorry, but the deadlines for turnaround of the preamble

remain insane☺! Scott

To: Johnson, Barnes[Johnson.Barnes@epa.gov]; Salyer, Kathleen[Salyer.Kathleen@epa.gov]
Cc: Huff, Mark J[huff.markj@epa.gov]; Beasley, Lynn[Beasley.Lynn@epa.gov]
From: Hockey, David
Sent: Thur 8/10/2017 4:34:52 PM
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

From Rob --

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 12:34 PM
To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave -

Just to memorialize our conversation earlier -

Ex. 5 - Attorney Client, Deliberative Process

Let me know if I can be of further assistance. After today, please contact Charles, who will be covering for me while I'm

Ex. 6 - Personal privacy

-R

From: Hockey, David
Sent: Thursday, August 10, 2017 11:18 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Please OK or edit

Ex. 5 - Deliberative Process

From: Stachowiak, Robert
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To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies

Hi Dave –

Ex. 5 - Attorney Client, Deliberative Process

I would be happy to work with OLEM and OCIR if you want to suggest an alternative response, or alternative language.

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Language for review. Please give me a call if you want to discuss. We need to respond to the Senate this morning on the language they've drafted re: 108(b). Thanks.

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703-308-8846

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Barnes – Lynn and I called Jen and talked about this language. She now understands your point and recommended a very straight forward response, see below.

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Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

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U.S. Environmental Protection Agency
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Washington, D.C. 20460
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No, not yet it slipped through the cracks on this end. We are working on it, but it will be

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

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Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Gul@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Phyllis@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

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Barnes -- I talked to Rob, not a straightforward discussion. He believes the

Ex. 5 - Deliberative Process

I asked the questions below and he didn't really have an answer, except that -- a

Ex. 5 - Deliberative Process

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Importance: High

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From: Budget and Planning

Sent: Tuesday, August 01, 2017 3:46 PM

To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>

Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Volin.Phyllis@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

Subject: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Senior Budget Officers,

Attached please find the official guidance for submitting responses to the request to provide capability/impact statements to the Senate Subcommittee on the Interior, Environment, and Related Agencies. Thank you in advance for having begun the work and for your collaboration as we work through the review and approval process. If you have any questions, please contact your Media Analyst.

Thank you,

Office of Budget/BFCS Formulation Team

To: Johnson, Barnes[Johnson.Barnes@epa.gov]; ORCR IO[ORCR_IO@epa.gov]
Cc: Huff, Mark J[huff.markj@epa.gov]; Beasley, Lynn[Beasley.Lynn@epa.gov]
From: Hockey, David
Sent: Thur 8/10/2017 3:10:25 PM
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Will do. Calling him now.

From: Johnson, Barnes
Sent: Thursday, August 10, 2017 11:07 AM
To: Hockey, David <Hockey.David@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
Cc: Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Hockey, David
Sent: Thursday, August 10, 2017 11:00 AM
To: ORCR IO <ORCR_IO@epa.gov>
Cc: Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Rob's response, need your input.

Dave

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 10:59 AM
To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave –

Ex. 5 - Attorney Client, Deliberative Process

I would be happy to work with OLEM and OCIR if you want to suggest an alternative response, or alternative language.

Hope this helps.

-R

Bill Language:

•☐☐☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

From: Hockey, David
Sent: Thursday, August 10, 2017 9:08 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Language for review. Please give me a call if you want to discuss. We need to respond to the Senate this morning on the language they've drafted re: 108(b). Thanks.

Dave

703-308-8846

From: Hockey, David
Sent: Thursday, August 10, 2017 8:51 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Barnes – Lynn and I called Jen and talked about this language. She now understands your point and recommended a very straight forward response, see below.

Sonya – can your folks

Ex. 5 - Deliberative Process

Due ASAP obviously.

Dave

Bill Language:

- ☐☐☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

From: Johnson, Barnes

Sent: Wednesday, August 09, 2017 8:20 PM

To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>

Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>;

Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa

<Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya

<Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara

<Foster.Barbara@epa.gov>

Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Sent from my iPhone

On Aug 9, 2017, at 6:04 PM, Wilbur, Jennifer <Wilbur.Jennifer@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Johnson, Barnes

Sent: Wednesday, August 09, 2017 6:02 PM

To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](https://twitter.com/EPALand)

From: Wilbur, Jennifer
Sent: Wednesday, August 09, 2017 5:52 PM
To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meredith <Sebring.Meredith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Did you send the 108b language??? I'm sorry – I searched, I'm tired, and too many things....

From: Wilbur, Jennifer
Sent: Wednesday, August 02, 2017 1:47 PM
To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meredith <Sebring.Meredith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements
Importance: High

ORCR,

This is a request for a capability/impact statement for language potentially in the Senate Appropriations Subcommittee report and bill language. By Friday, COB, please complete the attached template.

Report Language:

•**OLEM** Anaerobic Digesters. -The Committee recommends \$5,000,000 for public entities to demonstrate community anaerobic digester applications to municipal solid waste streams and farm needs such as capturing excess phosphorus. Priority shall be given to projects in states that have enacted statewide laws requiring the diversion of all food scraps and similar organic waste from municipal solid waste streams within a proscribed schedule.

Bill Language:

•**OLEM** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

From: Budget and Planning

Sent: Tuesday, August 01, 2017 3:46 PM

To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>

Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Gul@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Phyllis@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

Subject: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Senior Budget Officers,

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Thank you,

Office of Budget/BFCS Formulation Team

To: ORCR IO[ORCR_IO@epa.gov]
Cc: Huff, Mark J[huff.markj@epa.gov]; Beasley, Lynn[Beasley.Lynn@epa.gov]
From: Hockey, David
Sent: Thur 8/10/2017 3:00:13 PM
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Rob's response, need your input.

Dave

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 10:59 AM
To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave –

Ex. 5 - Attorney Client, Deliberative Process

I would be happy to work with OLEM and OCIR if you want to suggest an alternative response, or alternative language.

Hope this helps.

-R

Bill Language:

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Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Barnes – Lynn and I called Jen and talked about this language. She now understands your point and recommended a very straight forward response, see below.

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Ex. 5 - Deliberative Process

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Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

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Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
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Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements
Importance: High

ORCR,

This is a request for a capability/impact statement for language potentially in the Senate Approps Subcommittee report and bill language. By Friday, COB, please complete the attached template.

Report Language:

•☐☐☐☐☐☐☐☐ (OLEM) Anaerobic Digesters. -The Committee recommends \$5,000,000 for public entities to demonstrate community anaerobic digester applications to municipal solid waste streams and farm needs such as capturing excess phosphorus. Priority shall be given to projects in states that have enacted statewide laws requiring the diversion of all food scraps and similar organic waste from municipal solid waste streams within a proscribed schedule.

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Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Gul.Beg@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Phyllis.Volin@epa.gov>; Terris, Carol <Carol.Terris@epa.gov>; Williams, Maria <Maria.Williams@epa.gov>; Walsh, Ed <Ed.Walsh@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

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Thank you,

Office of Budget/BFCS Formulation Team

To: OLEM ORCR DDS[OLEMORCRDDS@epa.gov]
From: Huff, Mark J
Sent: Wed 3/22/2017 9:47:56 PM
Subject: FW: Updated Timeline for FY18
RCRA Bullets of Impacts 3-22-17.docx
FY18PB A1B Narrative Draft For BK Review BJ Comments.docx
FY18PB A1M Narrative Draft For BK Review BJ Comments.docx
FY18PB 99 Narrative Draft For BK Review.docx
FY18 A2 Narrative Draft For BK Review.docx

DRAFT RCRA Bullets attached- **DUE COB Monday 3/27!**

From: Sebring, Meridith
Sent: Wednesday, March 22, 2017 4:55 PM
To: Barolo, Mark <Barolo.Mark@epa.gov>; Barr, Pamela <Barr.Pamela@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Cheatham, Reggie <cheatham.reggie@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Gervais, Gregory <Gervais.Gregory@epa.gov>; Hoskinson, Carolyn <Hoskinson.Carolyn@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Lloyd, David <Lloyd.DavidR@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Morey, Debra <Morey.Debi@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>; Chamness, Corey <chamness.corey@epa.gov>; Flaks, Art <Flaks.Art@epa.gov>; Stewart, Tracey <Stewart.Tracey@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Perovich, Gina <Perovich.Gina@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Bell-Anderson, Marie <Bell-Anderson.Marie@epa.gov>; Quinn, Megan <Quinn.Megan@epa.gov>; Worley, Ray <Worley.ray@epa.gov>
Cc: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: Updated Timeline for FY18

All-

We received some updated due dates from OCFO.

●□□□□□□□ Proposed FTE Shifts are due to ARMS on March 28th. We have some more time for this one.

- Impact Papers (Attachment E) are due to ARMS on March 28th – we will be sending out a template and some additional guidance for these tomorrow.

- Tech Adjustments are due to ARMS on March 30th

- BAS Data Entry is due to ARMS on April 4th

- Narratives are due to ARMS on April 5th

- We have not heard of when fact sheets are due, but we will use a working assumption that Press Conference Fact Sheets are due to ARMS April 28th.

Meridith Sebring

OLEM/ARMS

Office: 202-566-1909

Cell: Ex. 6 - Personal Phone

To: 'Foster, Barbara'[Foster.Barbara@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Huff, Mark J
Sent: Wed 11/15/2017 8:38:30 PM
Subject: RE: Comments from Byron
Cercla 108-OMB draft-EPA edits-111517 mjh comments.docx

I added my comments and potential suggested language

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Foster, Barbara
Sent: Wednesday, November 15, 2017 2:57 PM
To: Huff, Mark J <huff.markj@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: Comments from Byron

Mark,

Please see Byron's comments on the section of the rule

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process and let me know how you would like to respond. Let me know if you want to discuss.

We have to incorporate all changes by tomorrow.

Thanks

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Ames, Jeremy[Ames.Jeremy@epa.gov]
From: Huff, Mark J
Sent: Wed 11/1/2017 7:33:32 PM
Subject: FW: Comments on 108(b)
[Cerca 108-FAR edits-113017.docx](#)
[ATT00001.htm](#)

From: Johnson, Barnes
Sent: Monday, October 30, 2017 9:35 PM
To: Huff, Mark J <huff.markj@epa.gov>
Subject: Fwd: Comments on 108(b)

FYI

Sent from my iPhone

Begin forwarded message:

From: "Brown, Byron" <brown.byron@epa.gov>
Date: October 30, 2017 at 4:38:36 PM EDT
To: "Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>
Cc: "Breen, Barry" <Breen.Barry@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>
Subject: RE: Comments on 108(b)

Hi Barnes -- Here are the edits. Let me know if you have questions.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

From: Johnson, Barnes
Sent: Monday, October 30, 2017 1:51 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>;
Brown, Byron <brown.byron@epa.gov>
Subject: RE: Comments on 108(b)

Thanks Susan,

Please let us know when we can see these comments and incorporate them into the package.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Bodine, Susan
Sent: Monday, October 30, 2017 1:50 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>;
Brown, Byron <brown.byron@epa.gov>
Subject: RE: Comments on 108(b)

Thanks Barnes, I sent them to Byron and David Fotouhi (on Saturday) to ensure you were

getting consistent guidance.

From: Johnson, Barnes
Sent: Monday, October 30, 2017 1:47 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>
Subject: Comments on 108(b)

Dear Susan,

We understand you will have comments for us on the package. We are trying to get this to OP by COB tomorrow so that OP can then forward the package to OMB on Wed, Nov 1; so we are anxious to get your input ASAP. Please let us know. Thanks.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

To: Owens, Regina[owens.regina@epa.gov]
Cc: Huggins, Richard[Huggins.Richard@epa.gov]
From: Radtke, Meghan
Sent: Tue 9/19/2017 4:54:17 PM
Subject: FW: Introductions and Request for Meeting-- NMA Meeting tomorrow

Hi Regina,

Can you please reschedule the MRWMD general, as described by Betsy?

Thanks!

Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: **Ex. 6 - Personal Privacy**

From: Devlin, Betsy
Sent: Tuesday, September 19, 2017 12:25 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Huggins, Richard <Huggins.Richard@epa.gov>
Subject: FW: Introductions and Request for Meeting-- NMA Meeting tomorrow

Hi everyone – just looking over calendar for tomorrow and there is a meeting between Patrick and NMA on 108(b) but maybe other issues as well.

Do we have a better sense of what they want to cover? I'm trying to figure out if I need to go or if I need to send someone. If its mostly 108(b) then I think we have enough to do and will not attend.

If we need to attend, then I need to reschedule the MRWMD general – maybe for Friday?

If you all could let me know what you think, I'd appreciate it.

Thanks

Betsy

From: Sasseville, Sonya
Sent: Wednesday, September 13, 2017 1:05 PM
To: Radtke, Meghan <Radtke.Meghan@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
Cc: Devlin, Betsy <Devlin.Betsy@epa.gov>
Subject: RE: Introductions and Request for Meeting

The note also mentions chemical security, which would be OEM.

From: Radtke, Meghan
Sent: Wednesday, September 13, 2017 1:03 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
Cc: Devlin, Betsy <Devlin.Betsy@epa.gov>
Subject: RE: Introductions and Request for Meeting

Thanks, Sonya!

I think I'll flag that point for Becky and see if we can get a better idea of their agenda for next week. I don't think there will be a problem with other folks attending if the scope extends beyond 108(b).

Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: Ex. 6 - Personal Privacy

From: Sasseville, Sonya

Sent: Wednesday, September 13, 2017 12:59 PM

To: Radtke, Meghan <Radtke.Meghan@epa.gov>; ORCR IO <ORCR_IO@epa.gov>

Cc: Devlin, Betsy <Devlin.Betsy@epa.gov>

Subject: RE: Introductions and Request for Meeting

Thanks, Meghan. Just a note that they mentioned CCR. I don't know if it's worth Betsy's time but wanted her to at least be aware since Barnes won't be there. I can certainly take notes.

From: Radtke, Meghan

Sent: Wednesday, September 13, 2017 12:53 PM

To: Brooks, Becky <Brooks.Becky@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: Introductions and Request for Meeting

Hi Becky,

Barnes is on travel those days and won't be able to attend. However, Sonya should be available. For us, the best time is 2:30 pm or later on September 20th.

Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: Ex. 6 - Personal Privacy

From: Brooks, Becky
Sent: Wednesday, September 13, 2017 12:41 PM
To: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: Introductions and Request for Meeting

The National Mining Association wants to come in next week to meet with Patrick. Based on the proposed dates below, Patrick can meet on Sept. 19 at 4:00 or Sept. 20 at 3:00. Please let me know what works for ORCR, as we want to include your office. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Bridgeford, Tawny [<mailto:TBridgeford@nma.org>]
Sent: Wednesday, September 13, 2017 11:41 AM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: Introductions and Request for Meeting

Becky:

Would next Tuesday, Sept. 19 at 4 p.m. or Wednesday, Sept. 20 (any time but noon to 2 p.m.) work? If not, send me two options and we will see what we can move around on our end.

Thanks!

Tawny

From: Brooks, Becky [<mailto:Brooks.Becky@epa.gov>]
Sent: Wednesday, September 13, 2017 8:38 AM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Subject: FW: Introductions and Request for Meeting

Hi Tawny – Please let me know what timeframe you are thinking about. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Davis, Patrick
Sent: Tuesday, September 12, 2017 2:28 PM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Cc: Brooks, Becky <Brooks.Bekky@epa.gov>
Subject: RE: Introductions and Request for Meeting

Hi Tawny,

Indeed, I remember being disappointed to have missed you when you came by last month. Thank you for restarting the conversation. Please coordinate with Becky Brooks to find a convenient time.

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy cell

Information sent to this email address may be subject to FOIA.

From: Bridgeford, Tawny [mailto:TBridgeford@nma.org]
Sent: Tuesday, September 12, 2017 2:20 PM
To: Davis, Patrick <davis.patrick@epa.gov>
Subject: Introductions and Request for Meeting

Mr. Davis:

Good afternoon! I am the Deputy General Counsel and Vice President of Regulatory Affairs at the National Mining Association (NMA). Last month we met with Barnes Johnson and members of the team to discuss NMA's concerns with and positions regarding the proposed CERCLA financial responsibility rule for the hardrock mining industry. Unfortunately, our scheduled member fly-in did not coordinate well with your schedule at the time and we asked to move forward with the meeting with the OLEM staff. We would like to correct that scheduling issue and hopefully find a time to introduce ourselves in person and provide a quick overview of who we are and our members' priority issues under OLEM. CERCLA financial responsibility is our number one priority, but we are involved in several other issues as well (e.g., coal ash, chemical security, etc.). Please let me know if you have time over the next few weeks to meet in person.

Look forward to hearing from you.

Regards,

Tawny



Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600

Direct: (202) 463-2629
tbridgeford@nma.org

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: Huggins, Richard[Huggins.Richard@epa.gov]; Radtke, Meghan[Radtke.Meghan@epa.gov]; Nisbett, Deana[Nisbett.Deana@epa.gov]
From: Huggins, Richard
Sent: Tue 10/10/2017 12:38:34 PM
Subject: #Daily Materials for Barnes 101/10/17
[To Dos 10/10/17](#)
[orcr_weekly_10-9-17.docx](#)
[Final Action Federal Register Notice 12.docx](#)
[NTC Draft ORCR Talking Points 10 6 17-1.docx](#)
[Launch Notice for New Members.docx](#)
[EPA Transformation Strategy at a Glance - 20170927.pdf](#)
[Notes for Barnes for Measures Meeting/Corrective Action Goal](#)
[FW: CBS and United Nations reports on plastic waste awash in the oceans](#)
[Minamata COP 1-SummaryA1.docx](#)
[OMB memo: e-Manifest TechStat summary of conclusions and corrective actions](#)
[Parfitt-Pres to-Members-9_12_17.pdf](#)

Materials:

To Dos

Weekly

108 b FR

Read and Review:

NTC talking points

NTC background (training website)

Agency strategic plan

Measures background from Sonya

ASTM email

1 pager Minamata

Generator FAQs- [Web FAQ Draft v2.docx](#)

e-manifest tech stat responses

ECOS priority letter

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Phone

To: Foster, Barbara[Foster.Barbara@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Michaud, John[Michaud.John@epa.gov]; ORCR IO[ORCR_IO@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Darwin, Veronica[darwin.veronica@epa.gov]; Fotouhi, David[Fotouhi.David@epa.gov]; Lewis, Jen[Lewis.Jen@epa.gov]; Pease, Michael[pease.michael@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Farber, Glenn[Farber.Glenn@epa.gov]; Mattick, Richard[Mattick.Richard@epa.gov]; Prins, Christopher[Prins.Christopher@epa.gov]
Cc: Cogliano, Gerain[Cogliano.Gerain@epa.gov]
From: Noggle, William
Sent: Fri 11/10/2017 3:20:19 AM
Subject: FW: EO 12866: Interagency Review: EPA's Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry (RIN 2050-AG61)
[EO12866 FinancialResponsibilityRequirementsHardrockMiningIndustry_RIN205....docx](#)
[CEQ General Suggestions on Financial Responsibilities under CERCLA FR.DOCX](#)
[EO12866 FinancialResponsibilityRequirementsHardrockMiningIndustry_jb.docx](#)
[SBA EDITS CERCLA 108\(b\) v3.docx](#)
[EPA HQ SFUND 2015 0781 FS Comments to Draft Final 11 8 2017 signed.pdf](#)
[DOI CERCLA108b_comments.docx](#)

Attached are the interagency comments on 108(b).

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto:Ex. 6 - Personal Privacy]
Sent: Thursday, November 09, 2017 5:42 PM
To: Noggle, William <Noggle.William@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Cc: DeBruhl, Brandon F. EOP/OMB <Brandon_F_DeBruhl@omb.eop.gov>; Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy

Subject: EO 12866: Interagency Review: EPA's Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry (RIN 2050-AG61)

Hi Bill and Gerain -

Attached are comments from the interagency group including OMB budget side, CEQ, SBA, USDA and Interior.

Thanks,
Pablo

202 395 1128

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: Huggins, Richard[Huggins.Richard@epa.gov]; Radtke, Meghan[Radtke.Meghan@epa.gov]; Nisbett, Deana[Nisbett.Deana@epa.gov]; Boxman, Suzanne[boxman.suzanne@epa.gov]
From: Huggins, Richard
Sent: Mon 9/25/2017 12:18:05 PM
Subject: #Daily Materials for Barnes 9/25/17
To Dos 9/25/17
orcr_weekly_9-25-17.docx
eManifest Executive Steering Committee 9.22.17.pdf
Aerosol Can Economic Model Revisions_v4.pptx
A-Gas Response USEPA R11 RCRA Clarification MSA.DOCX
AAR Letter to EPA 07312017.pdf
draft fact sheet on PCBs and used oil
Ideas for Potential RCRA Measures.docx
Cercla 108-No Rule Outline-092217-Byron edits.docx
IDEM questions 9_21v3.docx
FW: draft fact sheet on PCBs and used oil
Joint Provisional argument structure proposal and request to dismiss iss....pdf
Respondents motion to continue oral argument (wo attachments) (CORRECTED....pdf
Copies for Barnes: e-Manifest Advisory Board Meeting Final Agenda and Agency Presentation
croresidue_01_xml.pdf

Materials:

To Dos

Weekly

ESC Slides

Aerosol Cans

Stakeholder updates with Patrick- Agas, American Railroad (NHSM), PCB- letter and email (2 sep)

Measures

Citizen suits call (doubt u will do this) (last attachment)

Read and Review:

108 b Outline Comments

CCR QAs (Indiana)

NORA response

CCR court filings

FAC Materials

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Phone

To: ORCR IO[ORCR_IO@epa.gov]
From: Radtke, Meghan
Sent: Mon 9/25/2017 11:53:41 AM
Subject: To Dos 9/25/17

Barnes To Dos

Ex. 5 - Deliberative Process

Kathleen To Dos

Ex. 5 - Deliberative Process

Upcoming Deadlines:

Ex. 5 - Deliberative Process

Upcoming Big Meetings

Ex. 5 - Deliberative Process

Expected Follow-up Items:

Special Assistants

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Divisions

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Message

From: Radtke, Meghan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A364F0FAAD54A79BE238288FA3496CF-RADTKE, MEGHAN]
Sent: 9/28/2017 12:07:58 PM
To: ORCR IO [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=feb18e156b3547d1881d93c5893396f8-ORCR IO]
Subject: To Dos 9/28/17

Barnes To Dos

Ex. 5 - Deliberative Process

Kathleen To Dos

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Special Assistants

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: Huggins, Richard[Huggins.Richard@epa.gov]; Radtke, Meghan[Radtke.Meghan@epa.gov]; Nisbett, Deana[Nisbett.Deana@epa.gov]; Boxman, Suzanne[boxman.suzanne@epa.gov]
From: Huggins, Richard
Sent: Mon 9/25/2017 12:13:28 PM
Subject: #Daily Materials for Barnes 9/25/17
To Dos 9/25/17
orcr_weekly_9-25-17.docx
eManifest Executive Steering Committee 9.22.17.pdf
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AAR Letter to EPA 07312017.pdf
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Ideas for Potential RCRA Measures.docx
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NORA response

CCR court filings

FAC Materials

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Phone

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; ORCR IO[ORCR_IO@epa.gov]
Cc: Devlin, Betsy[Devlin.Betsy@epa.gov]
From: Radtke, Meghan
Sent: Wed 9/13/2017 5:02:57 PM
Subject: RE: Introductions and Request for Meeting

Thanks, Sonya!

I think I'll flag that point for Becky and see if we can get a better idea of their agenda for next week. I don't think there will be a problem with other folks attending if the scope extends beyond 108(b).

Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: Ex. 6 - Personal Phone

From: Sasseville, Sonya
Sent: Wednesday, September 13, 2017 12:59 PM
To: Radtke, Meghan <Radtke.Meghan@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
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Thanks, Meghan. Just a note that they mentioned CCR. I don't know if it's worth Betsy's time but wanted her to at least be aware since Barnes won't be there. I can certainly take notes.

From: Radtke, Meghan
Sent: Wednesday, September 13, 2017 12:53 PM
To: Brooks, Becky <Brooks.Bekky@epa.gov>; ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: Introductions and Request for Meeting

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Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: Ex. 6 - Personal Phone

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Sent: Wednesday, September 13, 2017 12:41 PM
To: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
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Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Bridgeford, Tawny [<mailto:TBridgeford@nma.org>]

Sent: Wednesday, September 13, 2017 11:41 AM

To: Brooks, Becky <Brooks.Becky@epa.gov>

Subject: RE: Introductions and Request for Meeting

Becky:

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Thanks!

Tawny

From: Brooks, Becky [<mailto:Brooks.Becky@epa.gov>]

Sent: Wednesday, September 13, 2017 8:38 AM

To: Bridgeford, Tawny <TBridgeford@nma.org>
Subject: FW: Introductions and Request for Meeting

Hi Tawny – Please let me know what timeframe you are thinking about. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Davis, Patrick
Sent: Tuesday, September 12, 2017 2:28 PM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Cc: Brooks, Becky <Brooks.Bekky@epa.gov>
Subject: RE: Introductions and Request for Meeting

Hi Tawny,

Indeed, I remember being disappointed to have missed you when you came by last month. Thank you for restarting the conversation. Please coordinate with Becky Brooks to find a convenient time.

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Phone cell

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From: Bridgeford, Tawny [mailto:TBridgeford@nma.org]

Sent: Tuesday, September 12, 2017 2:20 PM

To: Davis, Patrick <davis.patrick@epa.gov>

Subject: Introductions and Request for Meeting

Mr. Davis:

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Look forward to hearing from you.

Regards,

Tawny



NMA
NATIONAL MINING ASSOCIATION

Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: (202) 463-2629
tbridgeford@nma.org

To: ORCR IO[ORCR_IO@epa.gov]
From: Johnson, Barnes
Sent: Wed 7/12/2017 4:09:43 PM
Subject: FW: Freeport-McMoRan Meeting Request
ELECTRONIC SUBMISSION Cover Letter for Long Form Comments on 108(b).pdf
Comments of Freeport-McMoRan Inc..pdf

FYI – Richard, what did you hear from Sean? Can these two requests be addressed in one meeting?

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | @EPALand

From: Mackey, Cyndy
Sent: Wednesday, July 12, 2017 9:17 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: DeLeon, Rafael <Deleon.Rafael@epa.gov>
Subject: FW: Freeport-McMoRan Meeting Request

Barnes

Please note that Patrick Traylor is asking OLEM to arrange the requested meeting from Freeport-McMoRan and include OECA. Ok? Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

Ex. 6 - Personal Phone Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Traylor, Patrick
Sent: Wednesday, July 12, 2017 7:37 AM
To: Davis, Patrick <davis.patrick@epa.gov>
Cc: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Subject: Freeport-McMoRan Meeting Request

Patrick:

I understand from Cyndy that OLEM has the lead on setting up this CERCLA Section 108(b) proposal meeting that Kirsten Nathanson at Crowell is working to set up. Kirsten has sent me her client's comments (attached). OECA would be happy to join the meeting, and I propose that we include Cyndy, Rafael Deleon, and Ken Patterson in the meeting.

Best,

Patrick

Patrick Traylor

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

(202) 564-5238 (office)

Ex. 6 - Personal Phone (cell)

From: Nathanson, Kirsten L. [<mailto:KNathanson@crowell.com>]
Sent: Tuesday, July 11, 2017 3:59 PM
To: Traylor, Patrick <traylor.patrick@epa.gov>
Subject: RE: Congrats(!) and meeting request

Patrick – Please see attached. The exhibits are large file sizes, so I’m not including them here. Please let me know if you would be available for a meeting next week, thanks in advance.

Regards,

Kirsten

From: Traylor, Patrick [<mailto:traylor.patrick@epa.gov>]
Sent: Monday, July 10, 2017 11:28 PM
To: Nathanson, Kirsten L.
Subject: RE: Congrats(!) and meeting request

Kirsten, will you send me your client’s comments?

Patrick Traylor

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

(202) 564-5238 (office)

Ex. 6 - Personal Phone (cell)

From: Nathanson, Kirsten L. [<mailto:KNathanson@crowell.com>]
Sent: Monday, July 10, 2017 1:23 PM
To: Traylor, Patrick <traylor.patrick@epa.gov>
Subject: Congrats(!) and meeting request

Patrick – Hello! It's been several years since our BHP/Sierra Club citizen suit together in New Mexico, but I was so pleased to read of your joining Susan in OECA; congratulations on the move and the appointment. I hope you are finding the challenges rewarding, and I'm sure you're drinking from a fire hose!

I'm writing to see if you have an hour on your calendar next week to meet with one of our hardrock mining clients (**Freeport-McMoRan**) to discuss their comments on the **CERCLA 108(b) proposed rule**? Specifically, Bill Cobb (VP Environmental Services and Sustainable Development) and Sheila Deely (Assistant General Counsel-Environmental) from Freeport will be in DC next **Tuesday, 7/18 through Friday, 7/21**, and are very interested in discussing the issue with you.

We would be happy to work with your admin if you think you would be able to fit this in. Many thanks for your attention.

Regards,

Kirsten

Kirsten L. Nathanson

Environment & Natural Resources

knathanson@crowell.com

Direct 1.202.624.2887 | Mobile:

Ex. 6 - Personal Privacy

Crowell & Moring LLP | www.crowell.com

1001 Pennsylvania Avenue NW
Washington, DC 20004

To: ORCR IO[ORCR_IO@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
From: Foster, Barbara
Sent: Tue 6/13/2017 2:06:55 AM
Subject: Fw: 108(b) Draft "Early" Options Discussion Paper and Analysis
Options for modifying the hrm rule attachment draft 34 BJ Comments.docx
Ideas for modifying the hrm rule 37 clean BJ Comments (003).docx

Barnes,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

is the

document I think you had in mind. Please let me know whether it is.

Thanks

From: Johnson, Barnes
Sent: Friday, March 31, 2017 12:57 PM
To: Breen, Barry; Simon, Nigel
Cc: Hostage, Barbara; ORCR IO; Sasseville, Sonya; Huff, Mark J; Foster, Barbara; Hilosky, Nick; Brooks, Becky; Stachowiak, Robert
Subject: 108(b) Draft "Early" Options Discussion Paper and Analysis

Dear Barry,

Per our discussion at the ORCR General this week, attached please find the latest drafts of the 108(b) documents. We will look forward to your comments on these. Hats off to Sonya, Mark, Barbara, Rob and others for their help in pulling these drafts together.

Barnes

To: Huggins, Richard[Huggins.Richard@epa.gov]
Cc: Radtke, Meghan[Radtke.Meghan@epa.gov]
From: Brooks, Becky
Sent: Thur 5/11/2017 6:59:00 PM
Subject: RE: ORCR Weekly Report 5/15/17-5/26/17

Thank you!

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Huggins, Richard
Sent: Thursday, May 11, 2017 1:38 PM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: ORCR Weekly Report 5/15/17-5/26/17

This guidance is intended to assist states who are developing CCR permit programs and Regional EPA personnel who will be reviewing and approving those state programs. The guidance document includes questions and answers related to the Water Infrastructure Improvements for the Nation (WIIN) Act and the permit program approval process. It also includes two checklists; one on the technical requirements in 40 CFR Part 257, Subpart D for CCR units and the other a checklist for completeness of a permit program submittal.

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Privacy cell phone

From: Brooks, Becky
Sent: Thursday, May 11, 2017 12:37 PM
To: Huggins, Richard <Huggins.Richard@epa.gov>
Subject: RE: ORCR Weekly Report 5/15/17-5/26/17

Do you have a sentence or two that you can provide me about the CCR guidance that was referenced in yesterday's ORCR general? There was mention of it being done by June 8 or 9 and that OMB wants an opportunity to review it. Barry might want to include this in his weekly to the AO. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Huggins, Richard
Sent: Thursday, May 11, 2017 11:27 AM
To: OLEM OD Deputies <OLEMODDeputies@epa.gov>; OLEM IO Materials <OLEMIOMaterials@epa.gov>; OLEM Schedulers-SAs <OLEMSchedulers-SAs@epa.gov>
Subject: ORCR Weekly Report 5/15/17-5/26/17

Attached and below is ORCR's Weekly Report for 5/15/17-5/26/17

Consolidated Report to the AA

Office of Land and Emergency Management

Office of Resource Conservation and Recovery

for the Weeks of 5/15/17 – 5/26/17

Informational/No Action

NHSM and Landfills

- (NEW) On May 22nd at Potomac Yards, ORCR staff will brief OIRA representatives on two upcoming rulemakings: the Other Treated Railroad Ties final rule and the Bioreactor Wet Landfills Subtitle D ANPRM.

PCBs

- (NEW) ORCR will be posting the PCB Facility Approval Streamlining Toolbox (PCB FAST) on the HQ PCB Webpage next week at the following location: <https://www.epa.gov/pcbs/managing-remediation-waste-polychlorinated-biphenyls-pcbs-cleanups>. PCB FAST is a lean document designed to help applicants and regulators reduce delays, improve communication, and increase efficiency in the cleanup and disposal of PCBs at a site. PCB FAST focuses on establishing a collaborative working relationship between EPA and the Responsible Parties (RPs) and providing tools to be used by RPs to prepare adequate and appropriate cleanup notifications and applications. The Toolbox includes guidance, process flow maps, and checklists to facilitate a streamlined cleanup processes. These resources can be customized to meet each site or Region's needs. Region 9 will be holding two webinars on PCB FAST this year: one on June 7th which will be EPA only, and one on June 21st which will be open to external parties.

International

- (NEW) MRWMD staff represented OLEM/EPA at the recent meeting of the Basel and Stockholm Conventions. OCSPP and State Department staff also participated. Key issues discussed included development of technical guidance for managing E-waste, technical guidance on management of wastes containing or consisting of persistent organic pollutants (POPs) listed under the Stockholm Convention for cessation of production and use, and planned development of recommendations on revising Basel Convention Annexes addressing waste disposal and hazard classification.

CCR

- **REGULATORY AFFAIRS (NEW)** On May 5th, ORCR posted a new question and answer on multi-unit closure. It can be found at: <https://www.epa.gov/coalash/frequent-questions-about-closure-and-post-closure-care-and-implementing-final-rule>

- **REGULATORY AFFAIRS (NEW)** The Water Infrastructure Improvements for the Nation Act (WIIN) amends section 4005 of RCRA to allow for states to submit CCR permit programs to the EPA for approval. ORCR is developing three delegations of authority to carry out this program: 1) implementation of a CCR permit program in Indian Country and non-participating states (delegated to RAs), 2) approval of state CCR permit programs (delegated to RAs), and 3) establishment of the required format and elements of a state permit program (OLEM AA). ORCR anticipates submitting the delegation package to OARM for routing to the AO in June.

Speaking Engagements in the next 60 days

- **REGULATORY AFFAIRS** On May 16th, ORCR staff will present on e-Manifest at the National Exchange Network Conference in Philadelphia, PA. The presentation (part of a panel with New York and New Jersey) will include an update on the e-Manifest system development. This meeting is heavily attended by states, tribes and EPA's network exchange coordinators.

- **REGULATORY AFFAIRS** On May 16th, Barnes Johnson and staff will meet with the Interstate Mining Compact Commission and their stakeholders in Denver, Colorado to discuss the proposed CERCLA 108(b) Hardrock Mining Rule.

- **REGULATORY AFFAIRS** On May 17 and 18th, the Generator Rule team will be traveling to Harrisburg, PA, and Hamilton, NJ, to give an extended workshop on the final Generator Improvements rule to Pennsylvania state staff and inspectors, and NJ state staff and generators, respectively.

- **REGULATORY AFFAIRS** On May 18th, Charlotte Mooney, Sara Rasmussen, and Jenny McLeod will attend one session of a regular meeting of the RCRA Corrective Action Project/Superfund Settlements Project. ORCR staff will discuss the RCRA Corrective Action cleanup program and the status of two RCRA Lean projects developed by EPA to make cleanups more efficient and faster. The Lean projects are RCRA FIRST (Facilities Investigation Remedy Selection Track Toolbox) and PCB FAST (Facility Approval Streamlining Toolbox).

- **REGULATORY AFFAIRS (NEW)** On June 7th, ORCR staff will present an update on NHSM rulemakings to the Council of Industrial Boiler Owners meeting in Crystal City.

- **REGULATORY AFFAIRS** From June 5 – 9th, Kathleen Salyer will represent the U.S. at UNEP's 20th Meeting of the International Resource Panel (IRP) which will be held back to back with

the World Circular Economy Forum in Helsinki, Finland. She will represent the U.S. as a member of the Steering Committee to provide direction for the current and future work of the IRP that can benefit domestic interests. The IRP reports on a range of issues including circular economy, resource efficiency, international trade of environmental technologies, food systems and natural resources.

Public Announcements in the next 60 days

- [REDACTED] During the week of May 22nd, ORCR anticipates holding a teleconference on 108(b) for tribal stakeholders
- [REDACTED] In late spring, ORCR expects to release the final “Safe Handling, Storage, and Treatment of Waste Fireworks” information memorandum.
- [REDACTED] ORCR is hosting two webinars on June 5th related to RCRA imports and exports. First, ORCR is hosting a second webinar on transitioning to the electronic border process for those exporters who cannot attend the May 8th webinar. Second, ORCR is hosting a webinar to walk exporters, importers and receiving facilities through the special procedures that they must follow for hazardous waste import or export shipments going first to an interim facility for temporary holding or consolidation prior to being shipped to a final disposal or recycling facility.

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone:

Ex. 6 - Personal Privacy cell phone

Message

From: Huggins, Richard [Huggins.Richard@epa.gov]
Sent: 3/17/2017 11:34:08 AM
To: ORCR IO [ORCR_IO@epa.gov]
Subject: To Dos 3/17/17

Barnes To Dos:

Ex. 5 - Deliberative Process

Kathleen To Dos

Ex. 5 - Deliberative Process

Upcoming Deadlines:

Ex. 5 - Deliberative Process

Upcoming Big Meetings

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Expected Follow-up Items:

Special Assistants

Ex. 5 - Deliberative Process

Divisions

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; Huggins, Richard[Huggins.Richard@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Ames, Jeremy[Ames.Jeremy@epa.gov]; ORCR Press[ORCR_Press@epa.gov]; Taylor, Trish[Taylor.Trish@epa.gov]; Benjamin, Kent[Benjamin.Kent@epa.gov]
Cc: StClair, Christie[StClair.Christie@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Cogliano, Gerain[Cogliano.Gerain@epa.gov]
From: Lowery, Brigid
Sent: Fri 12/2/2016 12:25:12 AM
Subject: timing of public release FW: Both Hard Rock Mining and Additional Classes have cleared ROCIS. Please proceed with signature. Thanks!

Mathy and Barry,

The plan is to post the pre-publication rule and completed FAQs on the web at 8:30 a.m. tomorrow and push the press release at 9:00 a.m.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Cogliano, Gerain
Sent: Thursday, December 01, 2016 6:53 PM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Subject: FW: Both Hard Rock Mining and Additional Classes have cleared ROCIS. Please proceed with signature. Thanks!
Importance: High

From: Jutras, Nathaniel
Sent: Thursday, December 01, 2016 6:51 PM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Boyle, Kathryn <Boyle.Kathryn@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>; Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>
Subject: Both Hard Rock Mining and Additional Classes have cleared ROCIS. Please proceed with signature. Thanks!

Importance: High

Both Hard Rock Mining and Additional Classes have cleared ROCIS. Please proceed with signature. Thanks!



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Concluded EO List

Criteria: Status=(Concluded, Published);

Date Concluded	Concluded Action	RIN	Agency/Sub	Title
12/01/2016	Consistent with Change	2050-AG56	2050 EPA/OLEM	Financial Responsibility Requirements under CERCLA S Facilities in the Chemical, Petroleum and Electric Power
12/01/2016	Consistent with Change	2050-AG61	2050 EPA/OLEM	Financial Responsibility Requirements under CERCLA S Classes of Facilities in the Hardrock Mining Industry
12/01/2016	Consistent with Change	2040-AF64	2040 EPA/OW	Fees for Water Infrastructure Project Applications under
12/01/2016	Consistent with Change	2040-AF63	2040 EPA/OW	Credit Assistance for Water and Wastewater Infrastructu
11/30/2016	Consistent with Change	2040-AF49	2040 EPA/OW	Unregulated Contaminant Monitoring Rule (UCMR 4) for Systems
11/30/2016	Consistent with Change	2060-AS54	2060 EPA/OAR	Revision to the Guideline on Air Quality Models: Enhanc AERMOD Dispersion Modeling System and Incorporatio Techniques to Address Fine Particulate Matter and Ozo
11/23/2016	Consistent with Change	2060-AS72	2060 EPA/OAR	Renewable Fuel Volume Standards for 2017 and Biomass Volume (BBD) for 2018
11/23/2016	Consistent with Change	2040-AF59	2040 EPA/OW	Certain Water Quality Standards Applicable to Maine
11/14/2016	Consistent without Change	2060-AS60	2060 EPA/OAR	Greenhouse Gas Reporting Program - General Revision
11/08/2016	Consistent with Change	2060-AP26	2060 EPA/OAR	National Emission Standards for Hazardous Air Pollutant Subpart W: Standards for Radon Emissions From Oper Tailings: Review

Showing 1 to 10 of 11 entries

List shows EO review packages that were concluded in the last 30 days.

From: Jutras, Nathaniel

Sent: Thursday, December 01, 2016 6:38 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Nicole Owens <Owens.Nicole@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Boyle, Kathryn <Boyle.Kathryn@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>; Pritchard, Eileen <Pritchard.Eileen@epa.gov>

Subject: Hard Rock Mining has cleared OMB, still waiting on Additional Classes

Hard Rock Mining has cleared OMB, still waiting on Additional Classes though.



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Criteria: Status=(Concluded, Published);

Date Concluded	Concluded Action	RIN	Agency/Sub	Title
12/01/2016	Consistent with Change	2050-AG61	2050 EPA/OLEM	Financial Responsibility Requirements under CERCLA S Classes of Facilities in the Hardrock Mining Industry
12/01/2016	Consistent with Change	2040-AF64	2040 EPA/OW	Fees for Water Infrastructure Project Applications under
12/01/2016	Consistent with Change	2040-AF63	2040 EPA/OW	Credit Assistance for Water and Wastewater Infrastructu
11/30/2016	Consistent with Change	2040-AF49	2040 EPA/OW	Unregulated Contaminant Monitoring Rule (UCMR 4) for Systems
11/30/2016	Consistent with Change	2060-AS54	2060 EPA/OAR	Revision to the Guideline on Air Quality Models: Enhanc AERMOD Dispersion Modeling System and Incorporatio Techniques to Address Fine Particulate Matter and Ozo
11/23/2016	Consistent with Change	2060-AS72	2060 EPA/OAR	Renewable Fuel Volume Standards for 2017 and Biomass Volume (BBD) for 2018
11/23/2016	Consistent with Change	2040-AF59	2040 EPA/OW	Certain Water Quality Standards Applicable to Maine
11/14/2016	Consistent without Change	2060-AS60	2060 EPA/OAR	Greenhouse Gas Reporting Program - General Revision
11/08/2016	Consistent with Change	2060-AP26	2060 EPA/OAR	National Emission Standards for Hazardous Air Pollutant Subpart W: Standards for Radon Emissions From Opera Tailings: Review
11/03/2016	Consistent with Change	2040-AF57	2040 EPA/OW	Municipal Separate Storm Sewer System General Permi

Showing 1 to 10 of 10 entries

List shows EO review packages that were concluded in the last 30 days.

From: Jutras, Nathaniel

Sent: Thursday, December 01, 2016 5:54 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Nicole Owens <Owens.Nicole@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Boyle, Kathryn <Boyle.Kathryn@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>

Subject: OMB Clearance Versions of the CERCLA §108(b) actions have been uploaded BUT NOT yet cleared

OMB Clearance Versions of the CERCLA §108(b) actions have been uploaded BUT NOT yet cleared. Danielle said she will be doing so shortly, though.

Stay tuned.

-Nate

From: Jutras, Nathaniel

Sent: Thursday, December 01, 2016 5:01 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Nicole Owens <Owens.Nicole@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>; Boyle, Kathryn <Boyle.Kathryn@epa.gov>; Curry, Bridgid <Curry.Bridgid@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>

Subject: My contact for OMB upload (if after 6 pm) and Kr

Hi Gerain,

For OMB clearance upload coordination, I'll give you a call before I leave but I can be reached

at any time at **202.288.6035** to process the upload.

And regarding signatures, once you have the signature copies of Hard Rock Mining please stop by **Bill Nickerson's (WJCN 3521A)**, before bringing it to **Kristien Knapp in WJCN 3318** for Administrator's signature. Kristien already has the 108(b) additional classes signature versions and Laura's email approval for both actions.

Thanks

**Nathaniel Jutras | U.S. Environmental Protection Agency | Regulatory Management
Division | 202.564.0301**

To: Johnson, Barnes[Johnson.Barnes@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov];
Huff, Mark J[huff.markj@epa.gov]
Cc: ORCR IO[ORCR_IO@epa.gov]
From: Foster, Barbara
Sent: Tue 3/21/2017 11:09:40 PM
Subject: RE: Updated 108b examples table
Options for modifying the hrm rule 20 Attachment 6 ss bf 2 comm.docx

Ex. 5 - Deliberative Process

From: Foster, Barbara
Sent: Tuesday, March 21, 2017 6:46 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>
Subject: RE: Updated 108b examples table

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Tuesday, March 21, 2017 5:53 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>;
Foster, Barbara <Foster.Barbara@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>
Subject: FW: Updated 108b examples table

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Can we please try to turn these issues around fairly quickly?

Thanks.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Sasseville, Sonya
Sent: Tuesday, March 21, 2017 1:59 PM
To: Huff, Mark J <huff.markj@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; ORCR IO <ORCR_IO@epa.gov>
Subject: RE: Updated 108b examples table

Thanks, Mark. A few comments.

From: Huff, Mark J
Sent: Tuesday, March 21, 2017 9:02 AM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: Updated 108b examples table

Here's the updated we provided yesterday morning- let's check to make sure that there are not further comments.

From: Huff, Mark J
Sent: Monday, March 20, 2017 9:54 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Hofmann, Lee <Hofmann.Lee@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Subject: Updated 108b examples table

Ex. 5 - Deliberative Process

To: Barnes Johnson (Johnson.Barnes@epa.gov)[Johnson.Barnes@epa.gov]
Cc: Huggins, Richard[huggins.richard@epa.gov]; Meghan Radtke (Radtke.Meghan@epa.gov)[Radtke.Meghan@epa.gov]; Nisbett, Deana[nisbett.deana@epa.gov]
From: Huggins, Richard
Sent: Thur 9/28/2017 12:37:20 PM
Subject: #Daily Materials for Barnes 9/28/17
[To Dos 9/28/17](#)
[Lean Mission Measures Slides.pdf](#)
[OLEM Mission Measures starting point 9 27 17 V1.docx](#)
[Charting Draft Measures ss comm.docx](#)
[FY 17MRWMDaccomps.v2.docx](#)
[FY 17 Rough Draft Sasseville accomplishments.docx](#)
[Results Driven Performance Requirement 2 Corrective Action 2017.docx](#)
[Cheryl.RCSD Accomplishments.docx](#)
[Respondent EPAs reply motion memorandum in support of motion to continue....pdf](#)
[Industry petitioners reply to environmental petitioners opposition 9-25-....pdf](#)
[Cercla 108-No Rule Outline-092217-Byron edits RHS comments 09.26.17.docx](#)
[draft fact sheet on PCBs and used oil](#)
[Joint Provisional argument structure proposal and request to dismiss iss....pdf](#)
[Respondents motion to continue oral argument \(wo attachments\) \(CORRECTED....pdf](#)

Materials:

To Dos

Measures

Read and Review:

Division Accomplishments

CCR Court Order

108 b Outline Comments

NORA Response- in compressed email from Sonya

CCR Court filings

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Privacy phone

To: Barnes Johnson (Johnson.Barnes@epa.gov)[Johnson.Barnes@epa.gov]
Cc: Huggins, Richard[huggins.richard@epa.gov]; Meghan Radtke (Radtke.Meghan@epa.gov)[Radtke.Meghan@epa.gov]; Nisbett, Deana[nisbett.deana@epa.gov]; Boxman, Suzanne[boxman.suzanne@epa.gov]
From: Huggins, Richard
Sent: Mon 9/25/2017 12:18:05 PM
Subject: #Daily Materials for Barnes 9/25/17
To Dos 9/25/17
orcr weekly 9-25-17.docx
eManifest Executive Steering Committee 9.22.17.pdf
Aerosol Can Economic Model Revisions v4.pptx
A-Gas Response USEPA R11 RCRA Clarification MSA.DOCX
AAR Letter to EPA 07312017.pdf
draft fact sheet on PCBs and used oil
Ideas for Potential RCRA Measures.docx
Cercla 108-No Rule Outline-092217-Byron edits.docx
IDEM questions 9 21v3.docx
FW: draft fact sheet on PCBs and used oil
Joint Provisional argument structure proposal and request to dismiss iss....pdf
Respondents motion to continue oral argument (wo attachments) (CORRECTED....pdf
Copies for Barnes: e-Manifest Advisory Board Meeting Final Agenda and Agency Presentation
croresidue_01_xml.pdf

Materials:

To Dos

Weekly

ESC Slides

Aerosol Cans

Stakeholder updates with Patrick- Agas, American Railroad (NHSM), PCB- letter and email (2 sep)

Measures

Citizen suits call (doubt u will do this) (last attachment)

Read and Review:

108 b Outline Comments

CCR QAs (Indiana)

NORA response

CCR court filings

FAC Materials

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Phone

To: Barnes Johnson (Johnson.Barnes@epa.gov)[Johnson.Barnes@epa.gov]
Cc: Huggins, Richard[huggins.richard@epa.gov]; Meghan Radtke (Radtke.Meghan@epa.gov)[Radtke.Meghan@epa.gov]; Nisbett, Deana[nisbett.deana@epa.gov]; Boxman, Suzanne[boxman.suzanne@epa.gov]
From: Huggins, Richard
Sent: Mon 9/25/2017 12:13:29 PM
Subject: #Daily Materials for Barnes 9/25/17
To Dos 9/25/17
orcr weekly 9-25-17.docx
eManifest Executive Steering Committee 9.22.17.pdf
Aerosol Can Economic Model Revisions v4.pptx
A-Gas Response USEPA R11 RCRA Clarification MSA.DOCX
AAR Letter to EPA 07312017.pdf
draft fact sheet on PCBs and used oil
Ideas for Potential RCRA Measures.docx
Cercla 108-No Rule Outline-092217-Byron edits.docx
IDEM questions 9 21v3.docx
FW: draft fact sheet on PCBs and used oil
Joint Provisional argument structure proposal and request to dismiss iss....pdf
Respondents motion to continue oral argument (wo attachments) (CORRECTED....pdf
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NORA response

CCR court filings

FAC Materials

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Phone

To: Sonya Sasseville (Sasseville.Sonya@epa.gov)[Sasseville.Sonya@epa.gov]; Barbara Foster[Foster.Barbara@epa.gov]; MarkJ Huff[Huff.MarkJ@epa.gov]
Cc: Meghan Radtke (Radtke.Meghan@epa.gov)[Radtke.Meghan@epa.gov]; Barnes Johnson (Johnson.Barnes@epa.gov)[Johnson.Barnes@epa.gov]
From: Huggins, Richard
Sent: Thur 7/20/2017 11:23:22 AM
Subject: FW: CERCLA 108b hardrock mining - iron ore mining
MDEQ OGMD Resp USEPA HardRock Mining Rules 2017.pdf
AISI -- Comments on EPA Financial Responsibility Requirments under CERCLA 108b for Hardrock Mining.pdf
IMA - CERCLA 108b Final 7 11 17.pdf
Proposed FR Rule for the Hardrock Mining Industry.pdf

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone:

Ex. 6 - Personal Privacy cell phone

From: Paul Balserak [mailto:pbalserak@steel.org]
Sent: Wednesday, July 19, 2017 5:37 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Subject: CERCLA 108b hardrock mining - iron ore mining

Hey Barnes,

I hope you are doing well. I wanted to highlight comments submitted on the proposed rule that relate to the definition of hardrock mining and in particular to the iron ore mining category. I'm wondering if I could speak with you just briefly on the phone about these comments.

●■■■■■■■■ AISI Comments on the CERCLA 108b Hardrock Mining Proposed Rule

- [REDACTED] Michigan DEQ Comments on CERCLA 108b Hardrock Mining Proposed Rule
- [REDACTED] Minnesota DNR Comments on CERCLA 108b Hardrock Mining Proposed Rule
- [REDACTED] Iron Mining Association Comments on CERCLA 108b Hardrock Mining Proposed Rule

I believe that the CERCLA 108b hardrock mining requirements as laid out in the Dec 2016 proposal would be impossible for our iron ore mining industry to comply with if finalized as is. Our attached comments make a case that iron ore mining should have never been included among the high risk mining categories that will ultimately be subject to the final rule requirements. I know you are very busy, let me know if we could talk briefly.

Best,

Paul

Paul Balserak

Vice President, Environment

American Iron and Steel Institute

25 Massachusetts Ave. NW, Suite 800

Washington, DC 20001

202 452-7122 (office)

Ex. 6 - Personal Privacy cell phone

(mobile)

To: OLEM IO Materials[OLEMIOMaterials@epa.gov]
Cc: ORCR IO (ORCR_IO@epa.gov)[ORCR_IO@epa.gov]; Sonya Sasseville
(Sasseville.Sonya@epa.gov)[Sasseville.Sonya@epa.gov]; MarkJ Huff[Huff.MarkJ@epa.gov]; Barbara
Foster[Foster.Barbara@epa.gov]
From: Huggins, Richard
Sent: Tue 6/27/2017 1:08:20 PM
Subject: Materials for 10 AM
108 b Rule Options 6 27 17.docx.docx
Ideas for modifying the 108 b HRM Rule 6 27 17.docx
108 b HRM Rule NODA or No NODA 6 27 17 .docx

Hi everyone attached are the materials for the 10 AM 108 b meeting.

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone:

Ex. 6 - Personal Privacy cell phone

To: Barnes Johnson (Johnson.Barnes@epa.gov)[Johnson.Barnes@epa.gov]
From: Huggins, Richard
Sent: Mon 6/26/2017 1:18:58 PM
Subject: FW: Revised Section 108(b) Rulemaking Options
[NODA or no 12.docx](#)
[Ideas for modifying the hrm rule 37 clean BJ Comments \(003\).docx](#)
[Schedule 1.docx](#)
[Rule Options 5.docx](#)
[Rule Options 3v5.docx](#)

Sorry I didn't add these to your To Dos.

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Phone

From: Foster, Barbara
Sent: Friday, June 23, 2017 5:44 PM
To: ORCR IO <ORCR_IO@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: Revised Section 108(b) Rulemaking Options

Barnes,

Attached are:

- A revised draft of the rulemaking options paper (Rule Options 5)
- A redline comparing this draft to the last (Rule Options 3v5)
- A schedule
- Two earlier documents that are referenced in the paper.

Barbara

From: Foster, Barbara
Sent: Thursday, June 22, 2017 6:16 PM
To: ORCR IO <ORCR_IO@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; MarkJ Huff <Huff.MarkJ@epa.gov>
Subject: Section 108(b) Rulemaking Options

Barnes,

Ex. 5 - Deliberative Process

Thanks

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: ORCR IO[ORCR_IO@epa.gov]
From: Radtke, Meghan
Sent: Wed 1/25/2017 1:05:40 PM
Subject: #Daily Materials for Barnes 1-25-17
To Dos 1/25/17
PositionPaper SAICM 1stIntersessional ForClearance OCSPP 1 24.docx
SAICM position paper 02 2017 ORCR Comments, Jan 24.docx
For Review: Final Minimum Criteria report
Drafting FY18/FY19 NPM Guidance -- Action Items
108(b) article
CERCLA 108(b) Advocacy Comment Letter - FINAL.PDF
Jan25 DD Call Agenda Final.docx
Chart for DD call 01.25 - CA Path Forward DD Engagement 01 23 17.docx

Meetings

SAICM (ORCR and OCSPP comments)

RDDs monthly meeting

Materials for Review

To Dos

Minimum Criteria report (outlook)

NPM

108 (b) article

108 (b) SBA response

Link for transition briefing

https://usepa.sharepoint.com/sites/OLEM_Work/ORCRIO/Shared%20Documents/Forms/AllItems.aspx?id=%2F

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: Ex. 6 - Personal email

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
From: Paul Balserak
Sent: Wed 7/19/2017 9:37:25 PM
Subject: CERCLA 108b hardrock mining - iron ore mining
MDEQ OGMD Resp USEPA HardRock Mining Rules 2017.pdf
AISI -- Comments on EPA Financial Responsibility Requirments under CERCLA 108b for Hardrock Mining.pdf
IMA - CERCLA 108b Final 7 11 17.pdf
Proposed FR Rule for the Hardrock Mining Industry.pdf

Hey Barnes,

I hope you are doing well. I wanted to highlight comments submitted on the proposed rule that relate to the definition of hardrock mining and in particular to the iron ore mining category. I'm wondering if I could speak with you just briefly on the phone about these comments.

- ☐ AISI Comments on the CERCLA 108b Hardrock Mining Proposed Rule
- ☐ Michigan DEQ Comments on CERCLA 108b Hardrock Mining Proposed Rule
- ☐ Minnesota DNR Comments on CERCLA 108b Hardrock Mining Proposed Rule
- ☐ Iron Mining Association Comments on CERCLA 108b Hardrock Mining Proposed Rule

I believe that the CERCLA 108b hardrock mining requirements as laid out in the Dec 2016 proposal would be impossible for our iron ore mining industry to comply with if finalized as is. Our attached comments make a case that iron ore mining should have never been included among the high risk mining categories that will ultimately be subject to the final rule requirements. I know you are very busy, let me know if we could talk briefly.

Best,

Paul

Paul Balserak

Vice President, Environment

American Iron and Steel Institute

25 Massachusetts Ave. NW, Suite 800

Washington, DC 20001

202 452-7122 (office)

Ex. 6 - Personal Phone (mobile)

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
From: Huggins, Richard
Sent: Mon 6/26/2017 1:18:57 PM
Subject: FW: Revised Section 108(b) Rulemaking Options
[NODA or no 12.docx](#)
[Ideas for modifying the hrm rule 37 clean BJ Comments \(003\).docx](#)
[Schedule 1.docx](#)
[Rule Options 5.docx](#)
[Rule Options 3v5.docx](#)

Sorry I didn't add these to your To Dos.

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Phone

From: Foster, Barbara
Sent: Friday, June 23, 2017 5:44 PM
To: ORCR IO <ORCR_IO@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: Revised Section 108(b) Rulemaking Options

Barnes,

Attached are:

- A revised draft of the rulemaking options paper (Rule Options 5)
- A redline comparing this draft to the last (Rule Options 3v5)
- A schedule
- Two earlier documents that are referenced in the paper.

Barbara

From: Foster, Barbara
Sent: Thursday, June 22, 2017 6:16 PM
To: ORCR IO <ORCR_IO@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; MarkJ Huff <Huff.MarkJ@epa.gov>
Subject: Section 108(b) Rulemaking Options

Barnes,

Attached is a paper that describes rule options (Rule Options 3). Also attached are earlier documents that are referenced in the paper, and a schedule.

OGC is reviewing this, but we haven't yet received their comments.

Thanks

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Johnson, Barnes[Johnson.Barnes@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]
From: Woolford, James
Sent: Wed 11/30/2016 11:17:27 PM
Subject: RE: OLEM briefings

I agree

Sent from my Windows Phone

From: Johnson, Barnes
Sent: 11/30/2016 5:33 PM
To: Breen, Barry; Brooks, Becky
Cc: Woolford, James
Subject: RE: OLEM briefings

In thinking about this quickly I suggest we stick with the two pagers that have been developed and sent up and not use the additional one pagers. A

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Barnes Johnson
USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov | @EPAland

-----Original Message-----

From: Breen, Barry
Sent: Wednesday, November 30, 2016 5:11 PM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Woolford, James <Woolford.James@epa.gov>
Subject: FW: OLEM briefings

So you have this. Becky, would you confer with Barnes whether he feels additional written materials would be needed on either CCR or 108(b), or just the existing papers. Jim, would you give some thought to whether the 108(b) implementation discussion needs written material, or just oral issue-spotting, and let Becky know your thoughts.

B.

-----Original Message-----

From: Breen, Barry
Sent: Wednesday, November 30, 2016 5:07 PM
To: Kenny, Shannon <Kenny.Shannon@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>
Subject: RE: OLEM briefings

Dear Shannon,

Thank you. Barnes Johnson would join me for both CCR and 108(b), and Jim Woolford would also join on the CERCLA 108(b) topic, assuming we can make the schedules work out.

We will think through whether we need any additional written materials, and get back to you on that.

Barry

-----Original Message-----

From: Kenny, Shannon

Sent: Wednesday, November 30, 2016 3:31 PM

To: Breen, Barry <Breen.Barry@epa.gov>

Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>

Subject: OLEM briefings

Hi Barry, the landing team chair has expressed interest in being briefed on the CCR and CERCLA 108(b). I don't think either of these will need to happen until next week, but wanted to know who you would like with you in these briefings and whether you want to work from the issue papers, or use additional materials. Any additional materials will need to be reviewed by OGC so we would need those by the end of this week if possible.

Thank you!

Shannon

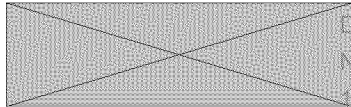
Sent from my iPad

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
From: Bridgeford, Tawny
Sent: Wed 11/30/2016 10:32:44 PM
Subject: RE: INVITATION: Call on CERCLA 108(b) Hardrock Mining Rule with Industry Stakeholders removed.txt

Barnes:

Thanks for the heads up on the Monday call. A number of my mining company members will want to join as well that are not on your distribution list below. I am going to send it to the majors, including companies that met with you this summer. I just wanted to let you know in advance. Let me know if there are constraints on the number of callers that can join on Monday.

Tawny



Tawny Bridgeford
Deputy General Counsel
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: (202) 463-2629
tbridgeford@nma.org

From: Huggins, Richard [mailto:Huggins.Richard@epa.gov] **On Behalf Of** Johnson, Barnes
Sent: Wednesday, November 30, 2016 4:31 PM
To: john.mcGahren@morganlewis.com; aohare@tfi.org; markellis@ima-na.org; darrellsmith@ima-na.org; Sweeney, Katie <KSweeney@nma.org>; Bridgeford, Tawny <TBridgeford@nma.org>; tdeti@vcn.com; estruhsacker@rengold.com;

LHill@klondexmines.com; tdyhr@nevadacopper.com; timhavey@pebblepartnership.com; fongaro@miningminnesota.com; dstruhsacker@pershinggold.com; bmoor@polymetmining.com; Matt.Zietlow@carlinresources.com; rbrown@wyoben.com; JoeBardswich@hotmail.com; hroberts@energyfuels.com; yelderman@comstockmining.com; freelpeak@gmail.com; wgscases@formcap.com; LSkaer@miningamerica.org; progers@generalmoly.com; ron.rimelman@novagold.com; elaws@crowell.com; Greg.kruse@uranium1.com; dgibby@usmagnesium.com; pgoranson@energyfuels.com; deantha@alaskaminers.org; SGBarringer@hollandhart.com; dana@nevadamining.org; rkoyner@coeur.com

Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; john.sullivan3@usdoj.gov; Lowery, Brigid <Lowery.Brigid@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>

Subject: INVITATION: Call on CERCLA 108(b) Hardrock Mining Rule with Industry Stakeholders

Tomorrow U.S. Environmental Protection Agency expects to issue a proposed rulemaking on financial responsibility requirements for the hardrock mining and mineral processing industry under Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

We would like to offer you the opportunity to join a call on Monday about the proposal (a calendar invite will be sent soon). The call details are below:

When: Monday, December 5, 2016

Time: 1:30 p.m. (Eastern)

Call-in number: Ex. 6 - Conference Code

Conference code: Ex. 6 - Conference Code

If you have any questions, please let me know.

Richard

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone: Ex. 6 - Personal Phone

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
From: Laura Skaer
Sent: Wed 11/30/2016 9:32:56 PM
Subject: RE: INVITATION: Call on CERCLA 108(b) Hardrock Mining Rule with Industry Stakeholders

Thank you

Laura Skaer

Executive Director

American Exploration & Mining Association

lskaer@miningamerica.org

From: Huggins, Richard [mailto:Huggins.Richard@epa.gov] **On Behalf Of** Johnson, Barnes
Sent: Wednesday, November 30, 2016 1:31 PM
To: john.mcGahren@morganlewis.com; aohare@tfti.org; markellis@ima-na.org; darrellsmith@ima-na.org; ksweeney@nma.org; tbridgeford@nma.org; tdeti@vcn.com; estruhsacker@rengold.com; LHill@klondexmines.com; tdyhr@nevadacopper.com; timhavey@pebblepartnership.com; fongaro@miningminnesota.com; dstruhsacker@pershinggold.com; bmoor@polymetmining.com; Matt.Zietlow@carlinresources.com; rbrown@wyoben.com; JoeBardswich@hotmail.com; hroberts@energyfuels.com; yelderman@comstockmining.com; freelpeak@gmail.com; wgscales@formcap.com; Laura Skaer; progers@generalmoly.com; ron.rimelman@novagold.com; elaws@crowell.com; Greg.kruse@uranium1.com; dgibby@usmagnesium.com; pgoranson@energyfuels.com; deantha@alaskaminers.org; SGBarringer@hollandhart.com; dana@nevadamining.org; rkoyner@coeur.com
Cc: Johnson, Barnes; Sasseville, Sonya; Radtke, Meghan; Foster, Barbara; Huff, Mark J; Hoffman, Wendy; Stachowiak, Robert; john.sullivan3@usdoj.gov; Lowery, Brigid; Ames, Jeremy
Subject: INVITATION: Call on CERCLA 108(b) Hardrock Mining Rule with Industry Stakeholders

Tomorrow U.S. Environmental Protection Agency expects to issue a proposed rulemaking on financial responsibility requirements for the hardrock mining and mineral processing industry under Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

We would like to offer you the opportunity to join a call on Monday about the proposal (a calendar invite will be sent soon). The call details are below:

When: Monday, December 5, 2016

Time: 1:30 p.m. (Eastern)

Call-in number:

Conference code:

If you have any questions, please let me know.

Richard

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 iPhone:

Cc: Johnson, Barnes[Johnson.Barnes@epa.gov]
To: barnesjoh@ Ex. 6 - Personal email
From: Johnson, Barnes
Sent: Mon 11/13/2017 1:50:20 AM
Subject: Fwd: EO 12866: Interagency Review: EPA's Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry (RIN 2050-AG61)
[EO12866_FinancialResponsibilityRequirementsHardrockMiningIndustry_RIN205....docx](#)
[ATT00001.htm](#)
[CEQ General Suggestions on Financial Responsibilities under CERCLA FR.DOCX](#)
[ATT00002.htm](#)
[EO12866_FinancialResponsibilityRequirementsHardrockMiningIndustry_ib.docx](#)
[ATT00003.htm](#)
[SBA EDITS CERCLA 108\(b\) v3.docx](#)
[ATT00004.htm](#)
[EPA HQ SFUND 2015 0781 FS Comments to Draft Final 11 8 2017 signed.pdf](#)
[ATT00005.htm](#)
[DOI CERCLA108b_comments.docx](#)
[ATT00006.htm](#)

For reading at home.

Sent from my iPhone

Begin forwarded message:

From: "Noggle, William" <Noggle.William@epa.gov>
Date: November 9, 2017 at 10:20:19 PM EST
To: "Foster, Barbara" <Foster.Barbara@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, ORCR IO <ORCR_IO@epa.gov>, "Brown, Byron" <brown.byron@epa.gov>, "Darwin, Veronica" <darwin.veronica@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Pease, Michael" <pease.michael@epa.gov>, "Bolen, Brittany" <bolen.brittany@epa.gov>, "Farber, Glenn" <Farber.Glenn@epa.gov>, "Mattick, Richard" <Mattick.Richard@epa.gov>, "Prins, Christopher" <Prins.Christopher@epa.gov>
Cc: "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>
Subject: FW: EO 12866: Interagency Review: EPA's Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry (RIN 2050-AG61)

Attached are the interagency comments on 108(b).

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto: Ex. 6 - Personal email
Sent: Thursday, November 09, 2017 5:42 PM
To: Noggle, William <Noggle.William@epa.gov>; Cogliano, Gerain

<Cogliano.Gerain@epa.gov>

Cc: DeBruhl, Brandon F. EOP/OMB <Ex. 6 - Personal email>; Jones,
Danielle Y. EOP/OMB <Ex. 6 - Personal email>; Laity, Jim A. EOP/OMB

<Ex. 6 - Personal email>

Subject: EO 12866: Interagency Review: EPA's Financial Responsibility Requirements
under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry
(RIN 2050-AG61)

Hi Bill and Gerain -

Attached are comments from the interagency group including OMB budget side, CEQ,
SBA, USDA and Interior.

Thanks,
Pablo

202 395 1128

Bcc: Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; ORCR IO[ORCR_IO@epa.gov]
To: Davis, Patrick[davis.patrick@epa.gov]
From: Johnson, Barnes
Sent: Thur 5/18/2017 2:42:10 PM
Subject: Re: circling back on CERCLA 108 & CCR

Patrick. If we want thoughtful paper on these two issues then next Wednesday would be the absolute earliest we could meet.

Sent from my iPhone

On May 18, 2017, at 9:04 AM, Davis, Patrick <davis.patrick@epa.gov> wrote:

Hi Becky,

Please help us find a time for this meeting before May 24.

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Privacy- phone

Information sent to this email address may be subject to FOIA.

From: Brown, Byron
Sent: Thursday, May 18, 2017 8:07 AM
To: Davis, Patrick <davis.patrick@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>

Cc: Breen, Barry <Breen.Barry@epa.gov>; Michaud, John <Michaud.John@epa.gov>;
Fotouhi, David <fotouhi.david@epa.gov>
Subject: circling back on CERCLA 108 & CCR

Hi Patrick and Barnes –

CERCLA 108 – I'd like to follow up with you **Ex. 5 - Deliberative Process** Also, can
I get a read out on how the IMCC meeting went?

CCR – can we get together in the next couple of days to go over the USWAG petition and
options for responding?

Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Johnson, Barnes [Johnson.Barnes@epa.gov]
Sent: 1/30/2017 8:29:12 PM
To: Hilosky, Nick [Hilosky.Nick@epa.gov]
CC: Hostage, Barbara [Hostage.Barbara@epa.gov]
BCC: Johnson, Barnes [Johnson.Barnes@epa.gov]
Subject: Re: CERCLA 108(b) - Two Pager

Let's see if Barry wants fixes given this was vetted to the hilt just a few weeks ago. We can always handle Ricks comments during the discussion.

Sent from my iPhone

On Jan 30, 2017, at 3:14 PM, Hilosky, Nick <Hilosky.Nick@epa.gov> wrote:

Just a heads up that Barry already has this. We haven't sent it on yet, so let me know how you want to handle Rick's comments and if you want to send an updated version.

Nick

Sent from my iPhone

Begin forwarded message:

From: "Mattick, Richard" <Mattick.Richard@epa.gov>
Date: January 30, 2017 at 2:51:55 PM EST
To: "Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Breen, Barry" <Breen.Barry@epa.gov>
Cc: "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Simon, Nigel" <Simon.Nigel@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Huff, Mark J" <huff.markj@epa.gov>
Subject: RE: CERCLA 108(b) - Two Pager

In the next steps section, we should also mention the SBA Envr. Roundtable meeting that is happening this Friday, February 3rd. SBA's advocacy is what has gotten the IO's attention---as such, we would be remiss not to mention the meeting they are hosting.....

From: Mattick, Richard
Sent: Monday, January 30, 2017 2:41 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: RE: CERCLA 108(b) - Two Pager

Hi all,

See attached a few comments that jumped out at me as I took a look. I'm unclear who is receiving edits on this, but would be happy to work with ORCR to address as well as integrate the cost info once we have it.

Rich

From: Johnson, Barnes
Sent: Monday, January 30, 2017 12:53 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: CERCLA 108(b) - Two Pager

Barry,

Attached, please find per your request a draft of the two pager. This version has been updated from the original one pager developed for the landing team; the formatting has changed and cleaned up from the format used for the landing team; and one additional bullet was added to the background section – this bullet lists the seven main issues that define the proposal (you'll recall that it is these issues that we went over with the landing team).

Mark is working on a short summary of the RIA and Sonya is pulling together a more formal briefing paper (not sure if we will brief from the two pager or from this package that Sonya is pulling together; regardless we will need this even if it's not for this).

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov | [@EPALand](#)

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.

Don

From: Schnare, David
Sent: Monday, January 30, 2017 9:11 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process There already exists substantial supporting comments (pre-proposal) from mining regulators association, the Western governors and NMA and AE&MA.

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.
Sent: Monday, January 23, 2017 4:36 PM
To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)
Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

Bcc: Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Huff, Mark J[huff.markj@epa.gov]; ORCR IO[ORCR_IO@epa.gov]
To: Davis, Patrick[davis.patrick@epa.gov]
From: Johnson, Barnes
Sent: Mon 4/24/2017 1:01:42 PM
Subject: Re: Emailing - Sandoval Letter to Pruitt CERCLA 108(b)042017.pdf

Thanks Patrick. So you are aware and in the vein of this request I had the opportunity to speak with Greg Lovato who was representing Nevada at the recent ECOS meeting. We made tentative plans to meet with Greg and his team in June to discuss their concerns regarding 108(b).

Sent from my iPhone

On Apr 24, 2017, at 8:19 AM, Davis, Patrick <davis.patrick@epa.gov> wrote:

Barry and Barnes,

In the case you have not seen this letter from Nevada Governor Sandoval.

Patrick Davis

EPA

Special Assistant to the Administrator

202-564-3103 office

Ex. 6 - Personal Privacy-phone cell

Information sent to this email address may be subject to FOIA.

From: Jackson, Ryan
Sent: Sunday, April 23, 2017 3:00 PM
To: Lyons, Troy <lyons.troy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Davis, Patrick <davis.patrick@epa.gov>
Subject: Emailing - Sandoval Letter to Pruitt CERCLA 108(b)042017.pdf

<Sandoval Letter to Pruitt CERCLA 108(b)042017.pdf>

Message

From: Palmer, Scott [Palmer.Scott@epa.gov]
Sent: 6/12/2017 8:40:29 PM
To: Mooney, Charlotte [Mooney.Charlotte@epa.gov]
CC: Foster, Barbara [Foster.Barbara@epa.gov]; Vyas, Peggy [Vyas.Peggy@epa.gov]; Kline, Bill [Kline.Bill@epa.gov]; McMinimy, Chris [McMinimy.Chris@epa.gov]; Horton, Rachel [Horton.Rachel@epa.gov]; Sasseville, Sonya [Sasseville.Sonya@epa.gov]; Huff, Mark J [huff.markj@epa.gov]
Subject: Files that help Summarize Prior Analyses that were Conducted for 108(b) Additional Classes
Attachments: NAICS 324 and 325 bullets - summary of work as of 3-15-13 AN rev.docx; 9-8-11-One Pager - Data & Analysis for Add Sectors_w ScottEdits-csh.docx; Rule Deadlines 1.docx

Charlotte, F

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks, Scott

Environmental Protection Agency

WASHINGTON

February 23, 2017

DAILY COMMUNICATIONS REPORT

TO: White House Cabinet Affairs Communications

FROM: John Konkus

SUBJECT: Communications Update

Inquiries

HQ

AP (Wyoming) (Mead Gruver) [Received 2/22] – OPEN – Seeking reaction on court ruling on wind reservations. **Response with press@epa.gov Story ran on 2/22.** DDL: 2/22

BNA (Sylvia Carignan) [Received 2/22] – OPEN – Will EPA extend comment period for CERCLA 108(b)? With @press for approval. Deadline ASAP.

BNA (Andrew Childers) [Received 2/22] – OPEN – Comment on Murrar Energy appeal. **Response with press@epa.gov** DDL 2/22

BNA (David Schultz) [Rec'd 2/23] – OPEN – Columbia River TMDL Lawsuit. DDL: 2/23 @ 3:30. With press box for review.

Center for Public Integrity (Jamie Hopkins) [Received 2/22] – OPEN – Reporter asking for updates TRI facilities ID list – response awaiting OPS approval – DDL 2/27, but reporter will almost certainly accept later response if needed.

Christian Science Monitor (Zack Colman) [Received 2/22] – OPEN – Endangerment finding process. Program working on written response. DDL: week of 3/6

The Dartmouth (Carter Brace) [Rec'd 2/23] – OPEN – Great Bay Watershed Grant. DDL: 2/23 @ 4 PM. CHECKING WITH REGION TO SEE IF THEY'LL RESPOND.

DCReport.org (Sarah Okeson) [Received 2/23] – OPEN – Public comment period extension for hazardous public sewage plants. Program working on response. DDL 2/23/

Die Zeit (Simon Kerbusk) [Received 2/23] – OPEN – Did Mercedes passenger diesel fail its emissions tests? Deadline ASAP.

GreenBuildingAdvisor (Scott Gibson) [Received 2/23] – OPEN – Asking about testing for new renewable fuels. With OTAQ. Deadline tbd.

ICIS Custom Publishing (Cynthia Challener) [Received 2/22] – OPEN – Reporter asking for any update on recently announced TSCA evaluation initiatives; reporter would also like to interview OPPT staff for comments on any such updates – question in program – DDL 3/8

Inside EPA (Suzanne Yohannan) [Received 2/23] – OPEN – What was ORCR's response to CSPA's recommendation to reclassify aerosol containers as universal waste. Deadline COB.

Intermodal Association of North America (Ripley Watson) [Received 2/23] – OPEN – Questions on intermodal chassis and the 2017 Phase 2 GHG rule. Deadline COB 3/2.

Kiplinger's Personal Finance (Rivan Stinson) [Received 2/23] – OPEN – Fact check on drinking water needs. Program working on it. DDL: 2/27.

MLive (Garret Ellison) [Received 2/23] – OPEN – Follow up question on vapor intrusion. With ORCR. Deadline COB today if possible.

Northern California Record (Dee Thompson) [Received 2/22] – OPEN – Seeking comment on glyphosate litigation involving Monsanto in California courts –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process – DDL 2/23

Southern California News Group (David Danelski) [Received 2/23] – OPEN – Asking for any update on plans to develop NOx standards. Deadline COB.

Region 1

The Dartmouth (Carter Brace) [2/22/17]--OPEN—EPA's grant to Dartmouth professors that focuses on research in the Great Bay watershed

Region 2

Radio Isla 1320 Program (Dr. Carlos Pesquera) [Received 2/22] - OPEN – Radio program host would like to interview EPA's Caribbean Environmental Protection Division Director, Carmen Guerrero, on the work of EPA's San Juan office, environmental priorities, on-going and future projects in the Caribbean.

Region 3

Wilmington News Journal (Christina Jedra) [Received 2/22] – OPEN – N/A.

Reading Eagle (Jeff McGaw) [Received 2/22] – OPEN – Reporter has questions about who is responsible for any EPA violations concerning power washing activities, as well as what's required to follow environmental regulations in this area and who is responsible for enforcing those regulations.

Region 4

Science journalist (Freelance) (Virginia Gewin) [Received 2/17] – OPEN - Question on discharge effluent limits on open ocean aquaculture. Response in HQ for review.

Region 5

MLive, Michigan (Garret Ellison) [Received 2/23] – CLOSED – The reporter asked the death of a Grand Rapids resident related to potential PERC exposure at a downtown vapor intrusion cleanup site. EPA is unaware of situation; referred the reporter to the local and/or state health department. DDL 2/23/17

WDET (Shelby Jouppi) [Received 2/23] – OPEN – The reporter requested a taped interview with an EPA expert on air emissions from waste-to-energy facilities. DDL 2/23 or 2/28.

Milwaukee Journal Sentinel (Raquel Rutledge) [Received 2/23] – OPEN – The reporter requests additional information / update on EPA's response to allegations that workers at three Grief facilities have been violating clean air and water regulations. DDL 3 p.m. today. **Proposed response – no update.**

Michigan, AP, Lansing (Chris Ehrmann) [Received 2/23] – OPEN – Reporter reached out directly to GLNPO Asian Carp Coordinator Bill Bolen (bolen.bill@epa.gov) to request an interview on the danger to Great Lakes posed by Asian carp. Reporter noted that Gov. Snyder and the Michigan legislature allocated \$1 million to launch a global search to find solutions to stop the invasive species from entering the region. Q: "What will it take to keep Asian carp out of the Great Lakes?". DDL unspecified but presumably today.

Region 6

Muskogee Phoenix (DeWayne Smoot) [Received 2/22] OPEN - seeking an update regarding the ongoing study referenced above. Based upon information posted to the EPA's website dedicated for this project, it appears efforts stalled after the modeling was completed in September 2015.

KENS San Antonio (Phillip Anaya) [Received 2/22] OPEN - I'm working on a story regarding a pesticide recently approved here in Texas to kill feral hogs. Is it possible to get any studies or research done on the pesticide?

Baytown Sun (Christopher James) [Received 2/22] OPEN - In the February site update its reported that the eastern cell is more than 1 foot lower in elevation than a prior bathymetric/topographic study conducted last spring. And that probing was performed. Are the results of this probing inspection available yet? And can you share them with me?

Region 7

No new inquiries

Region 8

No new inquiries

Region 9

Howard University - Hilltop newspaper (Rushawn Walters) [Received 2/23] —OPEN— Policy/regulatory Qs about California (particularly pertaining to auto emissions) and request for interview or a document on the topic. DDL not given

Freelancer (Molly Peterson) [Received 2/21] — OPEN—Reporter followed up looking to see if state has responded to EPA's Jan. 25th letter. Also wanted to know EPA's thoughts, under its oversight authority, about the state's inability to meet the Feb. deadline and when EPA will be concerned. DDL: 2/14.

Inside EPA (Suzanne Yohannan) [Received 2/22]—OPEN—Reporter is looking to see if EPA has any information on the impact the rainstorms in CA are having on Superfund sites in the state, particularly mining sites. Would specifically like to know about concern for spillover at the Sulphur Bank mine. Program is having meeting about this tomorrow and will pull together a statement for HQ review/approval. DDL: 2/24 (can push to 2/28).

Northern California Record (Dee Thompson) [Received 2/21] — CLOSED 2/22 — Reporter is writing a story about the latest developments in the Glyphosate (Roundup) litigation. He would like to do a phone interview or written questions about EPA's thoughts on the issues in the case and why the judge requested additional material. Referred to HQ and they will handle directly. DDL: 2/22.

Associated Press (Matthew Brown) [Received 2/22] — OPEN — Reporter is working on a national story about mine sites. He previously worked with Nancy Grantham in HQ, and is now requesting information from Region 9 on three NPL sites: Lava Cap, Argonaut, and New Idria. Sent to HQ for review. DDL: As soon as possible.

Region 10

Capital Press (Don Jenkins) [Received 2/23] - OPEN — Inquiring about decision by the Washington Public Disclosure Commission to take no action related to the complaints related to the What's Upstream campaign. DDL today

Ex. 5 - Deliberative Process

KUOW public radio Seattle (Amy Radil) [Received 2/23] - OPEN – Inquiring about state and EPA response to a diesel spill at Three Sisters Peak in Pierce County. EPA and the state of WA are responding. The area is at high elevation and under six feet of snow.

Ex. 5 - Deliberative Process

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Portland Business Journal (Pete Danko) [Received 2/23] - CLOSED – Inquiring about a Columbia River Keeper lawsuit just filed about the Columbia River temperature TMDL. Responded that we don't comment on pending litigation.

Top Stories

http://hosted.ap.org/dynamic/stories/U/US_SALMON_LAWSUIT?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

Environmental and Fishing Groups Sue to Save Salmon

<http://www.reuters.com/article/us-usa-biofuels-valero-energy-idUSKBN16228K>

Oil industry infighting heats up as EPA weighs biofuels rule change

<https://insideepa.com/daily-news/trump-officials-weigh-whether-target-california-vehicle-ghg-waiver>

Trump Officials Weigh Whether To Target California Vehicle GHG Waiver

<http://www.csmonitor.com/Environment/2017/0223/How-the-release-of-Pruitt-s-emails-to-the-fossil-fuel-industry-does-and-doesn-t-matter>

How the release of Pruitt's emails to the fossil fuel industry does and doesn't matter

http://hosted.ap.org/dynamic/stories/U/US_EPA_PRUITT_EMAILS?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

Emails show new EPA chief's cozy ties with fuel industry

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106122283&vname=dennotallissues&wsn=498714500&searchid=29421180&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

Pruitt Energy Ties Not Unusual, Former EPA Officials Say

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106122257&vname=dennotallissues&wsn=498714000&searchid=29421180&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

E-Mails Reveal EPA Chief's Coordination With Energy Industry

<https://insideepa.com/daily-news/emails-detail-pruitts-prior-coordination-fossil-groups-epa-rules>

Emails Detail Pruitt's Prior Coordination With Fossil Groups On EPA Rules

<https://insideepa.com/daily-news/pruitts-lack-epa-experience-raises-concern-his-team-may-face-delay>

Pruitt's Lack of EPA Experience Raises Concern As His Team May Face Delay

<http://www.eenews.net/greenwire/2017/02/23/stories/1060050477>

Conservatives predict 'real war' with environmentalists

https://www.washingtonpost.com/news/energy-environment/wp/2017/02/23/white-house-to-eject-its-environmental-advisers-from-their-historic-main-headquarters-on-friday/?utm_term=.30580304305a

White House to eject its environmental advisers from their longtime main headquarters on Friday

https://www.nytimes.com/2017/02/23/opinion/president-trump-takes-aim-at-the-environment.html?_r=0

President Trump Takes Aim at the Environment

<http://thehill.com/regulation/administration/320831-business-group-sends-trump-list-of-rules-to-repeal>

Business group sends Trump list of rules to repeal

<http://thehill.com/policy/energy-environment/320793-climate-skeptics-ask-trump-to-withdraw-from-un-agency>

Climate skeptics ask Trump to withdraw from UN agency

http://esweb.bna.com/eslw/1245/split_display.adp?fedfid=106122281&vname=dennotallissues&wsn=498707500&searchid=29421180&doctypeid=2&type=date&mode=doc&split=0&scm=1245&pg=0

'Green,' Other Terms Flagged for EPA Contract Special Scrutiny

<https://www.nytimes.com/2017/02/22/business/energy-environment/automakers-pruitt-mileage-rules.html>

Automakers Call on E.P.A. Chief to Ease Fuel-Efficiency Standards

<https://insideepa.com/daily-news/epa-urged-further-promote-ethanol-rfs-fuel-enhancement-plan>

EPA Urged to Further Promote Ethanol With RFS Fuel 'Enhancement' Plan

<https://insideepa.com/daily-news/ethanol-oil-industries-back-epa-proposal-retain-rfs-obligation-point>

Ethanol, Oil Industries Back EPA Proposal to Retain RFS 'Obligation' Point

Top Issues and Accomplishments

Worked with HQ and Regional Office public affairs/press staff to establish review process for responses to all incoming inquiries.

Message

From: Healy, Helena [Healy.Helena@epa.gov]
Sent: 5/22/2017 3:09:37 PM
To: Luzecky, Hollis [Luzecky.Hollis@epa.gov]; Kulpan, Bruce [Kulpan.Bruce@epa.gov]
CC: Patterson, Kenneth [Patterson.Kenneth@epa.gov]; Worthman, Gary [Worthman.Gary@epa.gov]
Subject: RE: State Meeting

Thanks Hollis

Sent from my Windows Phone

From: Luzecky, Hollis
Sent: 5/22/2017 10:38 AM
To: Healy, Helena; Kulpan, Bruce
Cc: Patterson, Kenneth; Worthman, Gary
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Hollis

Draft CERCLA 108(b) talking points:

Hardrock Mining

- The proposed CERCLA 108(b) financial responsibility rule for hardrock mining and mineral processing facilities was signed on December 1, 2016.
- It was published in the Federal Register on January 11, 2017.
- In general, the rule proposes requirements for demonstrating financial responsibility and maintaining the financial instruments, and establishes criteria for being released from these requirements.
- In addition, this proposal would establish specific financial responsibility requirements applicable to certain classes of mines and associated mineral processing facilities within the hardrock mining industry.
- EPA held public webinars in January 2017 regarding the proposed rule.
- The comment period was extended an additional 120 days to July 11, 2017.
- Under a court order, the EPA must take final action by December 1, 2017.
- A rule summary, frequently asked questions on the rule, and additional information is available on EPA's website.

Additional Classes

- Under the same court order, EPA was also required to determine whether the Agency will issue notices of proposed rulemaking regarding similar financial responsibility requirements for three additional industries: chemical manufacturing; power generation, transmission and distribution; and petroleum and coal products.
- This notice, also signed on December 1, 2016, was not a determination that regulatory financial assurance requirements have been found necessary for any of these three industry classes.
- The notice explains that EPA intends to move forward, under a court approved schedule, to determine, what, if any, financial requirements are necessary for these industries.
- There is no public comment period for this notice.
- EPA is under court deadlines to propose action for these industries, beginning in 2019.

Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217

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Sent: Monday, May 22, 2017 10:04 AM
To: Kulpan, Bruce <Kulpan.Bruce@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Worthman, Gary <Worthman.Gary@epa.gov>; Luzecky, Hollis <Luzecky.Hollis@epa.gov>
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Thanks,
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To: Davis, Anita <Davis.Anita@epa.gov>
Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
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Anita – I checked with Cyndy and the only thing going on right now with 108(b) is that it is out for public comment. Helena

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To: Healy, Helena <Healy.Helena@epa.gov>
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Ok. Can you add 108(b) also

Sent from my iPhone

On May 18, 2017, at 2:59 PM, Healy, Helena
<Healy.Helena@epa.gov> wrote:

I just met with Cyndy Mackey and she does not want me to do powerpoint slides for the presentation. I am just going to prepare very general talking points about accelerating cleanups and reuse.

Message

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Subject: RE: State Meeting

The public comment period on what? That was open last summer and it closed. I understood that the final guidance document was issued in December 2016 and that the guidance was slated for full implementation by 2017/18. Florida provided comments so it may come up.

From: [Healy, Helena](#)
Sent: Friday, May 19, 2017 3:48 PM
To: [Davis, Anita](#) <Davis.Anita@epa.gov>
Cc: [DeLeon, Rafael](#) <DeLeon.Rafael@epa.gov>; [Previ, Caroline](#) <Previ.Caroline@epa.gov>
Subject: RE: State Meeting

Anita – I checked with Cyndy and the only thing going on right now with 108(b) is that it is out for public comment. Helena

From: [Davis, Anita](#)
Sent: Friday, May 19, 2017 2:32 PM
To: [Healy, Helena](#) <Healy.Helena@epa.gov>
Cc: [DeLeon, Rafael](#) <DeLeon.Rafael@epa.gov>; [Previ, Caroline](#) <Previ.Caroline@epa.gov>
Subject: Re: State Meeting

Ok. Can you add 108(b) also

Sent from my iPhone

On May 18, 2017, at 2:59 PM, Healy, Helena
<Healy.Helena@epa.gov> wrote:

I just met with Cyndy Mackey and she does not want me to do powerpoint slides for the presentation. I am just going to prepare very general talking points about accelerating cleanups and reuse.

Message

From: Kulpan, Bruce [Kulpan.Bruce@epa.gov]
Sent: 5/22/2017 3:10:48 PM
To: Luzecky, Hollis [Luzecky.Hollis@epa.gov]
Subject: Re: State Meeting

Looks good,

Sent from my iPhone

On May 22, 2017, at 8:38 AM, Luzecky, Hollis <Luzecky.Hollis@epa.gov> wrote:

Hi Helena,

I wanted to get you something to review before you left today. I tried to run these by ORCR and OGC, but I only heard from OGC. I can update when I hear from ORCR. There hasn't been much communication on the status/progress of the rules out of OLEM, who is the lead, since it was published. There were two rule publications – one for hardrock mining and one for the Additional Classes. I included info for both below.

Hollis

Draft CERCLA 108(b) talking points:

Hardrock Mining

- <!--[if !supportLists]--><!--[endif]-->The proposed CERCLA 108(b) financial responsibility rule for hardrock mining and mineral processing facilities was signed on December 1, 2016.
- <!--[if !supportLists]--><!--[endif]-->It was published in the Federal Register on January 11, 2017.
- <!--[if !supportLists]--><!--[endif]-->In general, the rule proposes requirements for demonstrating financial responsibility and maintaining the financial instruments, and establishes criteria for being released from these requirements.
- <!--[if !supportLists]--><!--[endif]-->In addition, this proposal would establish specific financial responsibility requirements applicable to certain classes of mines and associated mineral processing facilities within the hardrock mining industry.
- <!--[if !supportLists]--><!--[endif]-->EPA held public webinars in January 2017 regarding the proposed rule.
- <!--[if !supportLists]--><!--[endif]-->The comment period was extended an additional 120 days to July 11, 2017.
- <!--[if !supportLists]--><!--[endif]-->Under a court order, the EPA must take final action by December 1, 2017.
- <!--[if !supportLists]--><!--[endif]-->A rule summary, frequently asked questions on the rule, and additional information is available on EPA's website.

Additional Classes

- <!--[if !supportLists]--><!--[endif]-->Under the same court order, EPA was also required to determine whether the Agency will issue notices of proposed rulemaking regarding similar financial responsibility requirements for three additional industries: chemical manufacturing; power generation, transmission and distribution; and petroleum and coal products.
- <!--[if !supportLists]--><!--[endif]-->This notice, also signed on December 1, 2016, was not a determination that regulatory financial assurance requirements have been found necessary for any of these three industry classes.
- <!--[if !supportLists]--><!--[endif]-->The notice explains that EPA intends to move forward, under a court approved schedule, to determine, what, if any, financial requirements are necessary for these industries.

- <!--[if !supportLists]--><!--[endif]-->There is no public comment period for this notice.
- <!--[if !supportLists]--><!--[endif]-->EPA is under court deadlines to propose action for these industries, beginning in 2019.

*Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217*

From: Healy, Helena
Sent: Monday, May 22, 2017 10:04 AM
To: Kulpan, Bruce <Kulpan.Bruce@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Worthman, Gary <Worthman.Gary@epa.gov>;
Luzecky, Hollis <Luzecky.Hollis@epa.gov>
Subject: RE: State Meeting

This is the Region 4 State Superfund Director meeting. It starts tomorrow and I am presenting on Wednesday. I only need a few bullets about the status of the rule. I'll send you Anita's question . .

From: Kulpan, Bruce
Sent: Monday, May 22, 2017 9:58 AM
To: Healy, Helena <Healy.Helena@epa.gov>
Cc: Patterson, Kenneth <Patterson.Kenneth@epa.gov>; Worthman, Gary <Worthman.Gary@epa.gov>;
Luzecky, Hollis <Luzecky.Hollis@epa.gov>
Subject: Fwd: State Meeting

Helena,
Hollis is working on talking points. Can you please provide a little more background on the State DD meeting and when it is.
Thanks,
Bruce

Sent from my iPhone

Begin forwarded message:

From: "Luzecky, Hollis" <Luzecky.Hollis@epa.gov>
Date: May 22, 2017 at 7:27:31 AM MDT
To: "Kulpan, Bruce" <Kulpan.Bruce@epa.gov>, "Patterson, Kenneth" <Patterson.Kenneth@epa.gov>
Subject: RE: State Meeting

What exactly and when is this state meeting?
Thanks,
Hollis

*Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217*

From: Kulpan, Bruce
Sent: Monday, May 22, 2017 9:22 AM
To: Patterson, Kenneth <Patterson.Kenneth@epa.gov>
Cc: Luzecky, Hollis <Luzecky.Hollis@epa.gov>
Subject: Re: State Meeting

Hollis,
I would suggest calling Barbara Foster. Maybe she has already developed talking points for Barnes that we can use,
Bruce

Sent from my iPhone

On May 22, 2017, at 7:03 AM, Patterson, Kenneth <Patterson.Kenneth@epa.gov> wrote:

Bruce, Hollis: please take care of this ASAP.

Sent from my iPhone

Begin forwarded message:

From: "DeLeon, Rafael" <DeLeon.Rafael@epa.gov>
Date: May 22, 2017 at 8:57:43 AM EDT
To: "Healy, Helena" <Healy.Helena@epa.gov>, "Davis, Anita" <Davis.Anita@epa.gov>
Cc: "Previ, Caroline" <Previ.Caroline@epa.gov>, "Patterson, Kenneth" <Patterson.Kenneth@epa.gov>
Subject: RE: State Meeting

Ken

Helena needs your assistance. Please provide her the info she is requesting.

Sent from my Windows Phone

From: [Healy, Helena](#)
Sent: 5/21/2017 7:41 PM
To: [DeLeon, Rafael](#); [Davis, Anita](#)
Cc: [Previ, Caroline](#)
Subject: RE: State Meeting

Rafael – This is a Superfund State Directors meeting so Barnes is not attending. Do you want to assign someone to write me a few talking points regarding 108(b) status? Helena

From: DeLeon, Rafael
Sent: Sunday, May 21, 2017 7:59 AM
To: Davis, Anita <Davis.Anita@epa.gov>
Cc: Healy, Helena <Healy.Helena@epa.gov>; Previ,

Caroline <Previ.Caroline@epa.gov>

Subject: RE: State Meeting

Ok. Helena can remind folks of the comment period being extended. I don't remember the exact duration of the extension. It's public info.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hope this helps.

Sent from my Windows Phone

From: Davis, Anita

Sent: 5/20/2017 10:10 AM

To: DeLeon, Rafael

Cc: Healy, Helena; Previ, Caroline

Subject: Re: State Meeting

I meant the plan to proceed was issued to in December. The Region and our states would be interested in status and next steps if Hqs feels it appropriate. I didn't know the comment period was extended as an example.

Sent from my iPhone

On May 19, 2017, at 6:20 PM, DeLeon, Rafael
<DeLeon.Rafael@epa.gov> wrote:

I'm not sure what we're talking about here.

The 108 b rule was out for public comment. The public comment period was extended by this administration.

I don't know what guidance is being referenced.

Sent from my Windows Phone

From: Davis, Anita

Sent: 5/19/2017 4:42 PM

To: Healy, Helena

Cc: DeLeon, Rafael; Previ, Caroline

Subject: RE: State Meeting

The public comment period on what? That was open last summer and it closed. I understood that the final guidance document was issued in December 2016 and that the guidance

was slated for full implementation by 2017/18. Florida provided comments so it may come up.

From: Healy, Helena
Sent: Friday, May 19, 2017 3:48 PM
To: Davis, Anita <Davis.Anita@epa.gov>
Cc: DeLeon, Rafael <Deleon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
Subject: RE: State Meeting

Anita – I checked with Cyndy and the only thing going on right now with 108(b) is that it is out for public comment. Helena

From: Davis, Anita
Sent: Friday, May 19, 2017 2:32 PM
To: Healy, Helena <Healy.Helena@epa.gov>
Cc: DeLeon, Rafael <Deleon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
Subject: Re: State Meeting

Ok. Can you add 108(b) also

Sent from my iPhone

On May 18, 2017, at 2:59 PM, Healy, Helena <Healy.Helena@epa.gov> wrote:

I just met with Cyndy Mackey and she does not want me to do powerpoint slides for the presentation. I am just going to prepare very general talking points about accelerating cleanups and reuse.

To: Packard, Elise[Packard.Elise@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Chang, Patrick[Chang.Patrick@epa.gov]; Michaud, John[Michaud.John@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Trudeau, Shaun
Sent: Mon 1/23/2017 3:55:29 PM
Subject: FW: CERCLA 108(b) update
Jan 2017 Status Report Draft 2017.01.18.docx

Elise:

Ex. 5 - Attorney Client/ Attorney Work Product

If you have any questions or concerns, please let me or Patrick Chang know.

Thanks,

Shaun

Shaun R. Trudeau

Attorney-Advisor

Operational Special Assistant to the Principal Deputy
Office of General Counsel

U.S. Environmental Protection Agency
Office: 202.564.5127

From: Chang, Patrick
Sent: Monday, January 23, 2017 9:51 AM
To: Trudeau, Shaun <Trudeau.Shaun@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>
Subject: CERCLA 108(b) update

Hi Shaun,

Ex. 5 - Attorney Client/ Attorney Work Product

Let me know if you or Kevin would like any more information about this. Thanks.

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Michaud, John[Michaud.John@epa.gov]
From: Chang, Patrick
Sent: Wed 11/30/2016 1:48:59 PM
Subject: Fwd: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

Ex. 5 - Attorney Client, Deliberative Process

Begin forwarded message:

From: "Vyas, Peggy" <Vyas.Peggy@epa.gov>
Date: November 30, 2016 at 8:47:06 AM EST
To: "Chang, Patrick" <Chang.Patrick@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>
Cc: "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Foster, Barbara" <Foster.Barbara@epa.gov>
Subject: RE: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

How about:

Ex. 5 - Deliberative Process

From: Chang, Patrick
Sent: Wednesday, November 30, 2016 8:42 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Vyas, Peggy <Vyas.Peggy@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Re: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

Great.

Ex. 5 - Attorney Client, Deliberative Process

Sent from my iPhone

On Nov 30, 2016, at 8:38 AM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Ex. 5 - Deliberative Process

Sent from my Windows Phone

From: [Chang, Patrick](#)
Sent: 11/30/2016 8:34 AM
To: [Sasseville, Sonya](#); [Vyas, Peggy](#); [Cogliano, Gerain](#)
Cc: [Foster, Barbara](#)
Subject: Re: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

Ex. 5 - Attorney Client, Deliberative Process

Patrick S. Chang
US EPA, Office of General Counsel, Solid Waste and Emergency Response Law Office
202/564-1528 (o); 202/564-1428 (f)

From: Sasseville, Sonya
Sent: Wednesday, November 30, 2016 8:27:42 AM
To: Vyas, Peggy; Chang, Patrick; Cogliano, Gerain
Cc: Foster, Barbara
Subject: RE: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

Wonderful! Thanks!

Sent from my Windows Phone

From: [Vyas, Peggy](#)
Sent: 11/30/2016 8:27 AM
To: [Sasseville, Sonya](#); [Chang, Patrick](#); [Cogliano, Gerain](#)
Cc: [Foster, Barbara](#)

Subject: RE: CERCLA 108(b) Additional Classes Regulatory Determination Notice
2050-AG56

I'm drafting something as we speak and working with Gerain.

From: Sasseville, Sonya
Sent: Wednesday, November 30, 2016 8:25 AM
To: Chang, Patrick <Chang.Patrick@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Cc: Vyas, Peggy <Vyas.Peggy@epa.gov>; Foster, Barbara
<Foster.Barbara@epa.gov>
Subject: RE: CERCLA 108(b) Additional Classes Regulatory Determination Notice
2050-AG56

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Haven't heard from Peggy, though
could have missed. Can you draft ASAP?

Sent from my Windows Phone

From: [Chang, Patrick](#)
Sent: 11/30/2016 6:53 AM
To: [Cogliano, Gerain](#); [Sasseville, Sonya](#)
Cc: [Vyas, Peggy](#); [Foster, Barbara](#)
Subject: RE: CERCLA 108(b) Additional Classes Regulatory Determination Notice
2050-AG56

Sonya,

Ex. 5 - Attorney Client, Deliberative Process

Ex. 5 - Attorney Client, Deliberative Process

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

From: Cogliano, Gerain

Sent: Wednesday, November 30, 2016 6:23 AM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Cc: Vyas, Peggy <Vyas.Peggy@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: Re: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

The request came from OIRA/OMB and was stated to me as I presented it.

On Nov 30, 2016, at 3:02 AM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

In thinking further, we are really pressed for time. I want to confirm, did we get a

Ex. 5 - Deliberative Process

From: Sasseville, Sonya

Sent: Wednesday, November 30, 2016 2:34 AM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Vyas, Peggy <Vyas.Peggy@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Cogliano, Gerain
Sent: Tuesday, November 29, 2016 7:19 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: Fwd: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

Any feedback on the additional language re

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Begin forwarded message:

From: "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>
Date: November 29, 2016 at 5:44:18 PM EST
To: "Jeng, Terry" <Jeng.Terry@epa.gov>
Cc: "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>
Subject: CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

Here's the OIRA-approved first paragraph under Conclusion for the Notice.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Jones, Danielle Y. EOP/OMB

[mailto: **Ex. 6 - Personal Privacy email**]

Sent: Tuesday, November 29, 2016 1:45 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Subject: RE: New 2 sentences of text for the CERCLA 108(b) Additional Classes Regulatory Determination Notice 2050-AG56

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Cogliano, Gerain [<mailto:Cogliano.Gerain@epa.gov>]

Sent: Tuesday, November 29, 2016 1:40 PM

To: Jones, Danielle Y. EOP/OMB <[redacted]> **Ex. 6 - Personal Privacy email**
Subject: RE: New 2 sentences of text for the CERCLA 108(b) Additional
Classes Regulatory Determination Notice 2050-AG56

Ex. 5 - Deliberative Process

From: Jones, Danielle Y. EOP/OMB
[mailto:[redacted]] **Ex. 6 - Personal Privacy email**
Sent: Tuesday, November 29, 2016 1:25 PM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Cc: Farber, Glenn <Farber.Glenn@epa.gov>
Subject: RE: New 2 sentences of text for the CERCLA 108(b) Additional
Classes Regulatory Determination Notice 2050-AG56

Ex. 5 - Deliberative Process

More recommendations to come.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Tuesday, November 29, 2016 7:42 AM

To: Jones, Danielle Y. EOP/OMB Ex. 6 - Personal Privacy email

Cc: Farber, Glenn <Farber.Glenn@epa.gov>

Subject: New 2 sentences of text for the CERCLA 108(b) Additional
Classes Regulatory Determination Notice 2050-AG56

Importance: High

Danielle,

Ex. 5 - Deliberative Process

Therefore, the last paragraph of the notice would read as follows. (Red text is the previously new text; Blue text is the current new 2 sentences.)

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks.

Gerain

To: Packard, Elise[Packard.Elise@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Redden, Kenneth[Redden.Kenneth@epa.gov]; Blake, Wendy[Blake.Wendy@epa.gov];
Guerrero, David[guerrero.david@epa.gov]; Youngblood, Charlotte[Youngblood.Charlotte@epa.gov];
Michaud, John[Michaud.John@epa.gov]; Lewis, Jen[Lewis.Jen@epa.gov]
From: Talbert-Duarte, Angelia
Sent: Wed 6/28/2017 4:49:22 PM
Subject: Query for OGC related to OLEM reorg proposal

Hi Elise and Kevin,

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Angelia Talbert-Duarte

Assistant General Counsel

Claims, Property and Appropriations Law Group

Civil Rights and Finance Law Office

U.S. Environmental Protection Agency

(202) 564-8158 – Phone

(202) 564-5432 - Fax

From: Michaud, John
Sent: Tuesday, June 27, 2017 8:27 AM
To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Cc: Guerrero, David <guerrero.david@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: Query for OGC related to reorg proposal

Angelina – We'll take a look this morning. Do you know anything more about timing?

Thanks.

John

John R Michaud

Associate General Counsel

Solid Waste and Emergency Response Law Office

202-564-5518

michaud.john@epa.gov

From: Talbert-Duarte, Angelia
Sent: Tuesday, June 27, 2017 7:52 AM
To: Michaud, John <Michaud.John@epa.gov>
Cc: Guerrero, David <guerrero.david@epa.gov>
Subject: FW: Query for OGC related to reorg proposal

Good morning John –

Per Dave's email below, would you please review Shannon's question re: superfund/brownfields and share any comments you might have.

Thanks

Angelia Talbert-Duarte

Assistant General Counsel

Claims, Property and Appropriations Law Group

Civil Rights and Finance Law Office

U.S. Environmental Protection Agency

(202) 564-8158 – Phone

(202) 564-5432 - Fax

From: Guerrero, David

Sent: Friday, June 23, 2017 5:47 PM

To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>

Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>

Subject: FW: Query for OGC related to reorg proposal

Hi Angie:

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Thanks. Dave

David P. Guerrero

Assistant General Counsel

U.S. Environmental Protection Agency

Office of General Counsel (2377A)

General Law Office

Employment Law Practice Group

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-5458

(202) 564-5432 - Fax

From: Minoli, Kevin

Sent: Thursday, June 22, 2017 1:39 PM

To: Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Guerrero, David <guerrero.david@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: Fwd: Query for OGC related to reorg proposal

FYI

Kevin S. Minoli
Acting General Counsel
Office of General Counsel

US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: June 22, 2017 at 1:38:40 PM EDT
To: "Kenny, Shannon" <Kenny.Shannon@epa.gov>
Subject: Re: Query for OGC related to reorg proposal

Hi Shannon- We will respond as quickly as possible. I'm leading a meeting off site with all of our senior managers and Regional Counsels, and our staff expert is on vacation, but we know the urgency. Kevin

Kevin S. Minoli
Acting General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Jun 22, 2017, at 12:34 PM, Kenny, Shannon <Kenny.Shannon@epa.gov> wrote:

Hi Kevin, this is another short turn around request from reorg team. My apologies, but if someone could give us basic advice today that would be really helpful.

Sent from my iPhone

Begin forwarded message:

From: Kenny.Shannon@epa.gov
Date: June 22, 2017 at 12:09:53 PM EDT
To: guerrero.david@epa.gov, Timothy Torma <Torma.Tim@epa.gov>
Subject: Re: Query for OGC related to reorg proposal

Hi David,

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Sent from my iPad

Begin forwarded message:

From: "Torma, Tim" <Torma.Tim@epa.gov>

Date: June 20, 2017 at 7:35:25 PM EDT
To: "Kenny, Shannon" <Kenny.Shannon@epa.gov>
Cc: "Shaw, Nena" <Shaw.Nena@epa.gov>
Subject: Fwd: Query for OGC related to reorg proposal

Begin forwarded message:

From: "Guerrero, David" <guerrero.david@epa.gov>
Date: June 20, 2017 at 6:50:00 PM EDT
To: "Torma, Tim" <Torma.Tim@epa.gov>
Cc: "Blake, Wendy" <Blake.Wendy@epa.gov>, "Talbert-Duarte, Angelia" <talbert-duarte.angelia@epa.gov>
Subject: RE: Query for OGC related to reorg proposal

Tim: **Ex. 5 - Attorney Client/Deliberative Process**

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

David P. Guerrero

Assistant General Counsel

U.S. Environmental Protection Agency

Office of General Counsel (2377A)

General Law Office

Employment Law Practice Group

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-5458

(202) 564-5432 - Fax

From: Torma, Tim

Sent: Tuesday, June 20, 2017 5:52 PM

To: Guerrero, David <guerrero.david@epa.gov>

Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>

Subject: RE: Query for OGC related to reorg proposal

Got it. Thanks Dave.

TT

From: Guerrero, David
Sent: Tuesday, June 20, 2017 5:51 PM
To: Torma, Tim <Torma.Tim@epa.gov>
Cc: Blake, Wendy <Blake.Wendy@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Subject: RE: Query for OGC related to reorg proposal

Tim: We are still reviewing your questions. We'll provide a response hopefully by tomorrow. I apologize for the delay. Dave

David P. Guerrero

Assistant General Counsel

U.S. Environmental Protection Agency

Office of General Counsel (2377A)

General Law Office

Employment Law Practice Group

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-5458

(202) 564-5432 - Fax

From: Torma, Tim
Sent: Tuesday, June 20, 2017 2:47 PM
To: Guerrero, David <guerrero.david@epa.gov>
Subject: RE: Query for OGC related to reorg proposal

Thanks David, much appreciated.

From: Guerrero, David
Sent: Tuesday, June 20, 2017 2:47 PM
To: Torma, Tim <Torma.Tim@epa.gov>
Cc: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Shaw, Nena <Shaw.Nena@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: RE: Query for OGC related to reorg proposal

Tim: Sorry for the delay. We are working this issue up our supervisory chain. I hope that we can get back to you by COB today but I cannot guarantee it. I'll update you later this afternoon. Thanks. Dave

David P. Guerrero

Assistant General Counsel

U.S. Environmental Protection Agency

Office of General Counsel (2377A)

General Law Office

Employment Law Practice Group

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-5458

(202) 564-5432 - Fax

From: Torma, Tim
Sent: Tuesday, June 20, 2017 2:19 PM
To: Guerrero, David <guerrero.david@epa.gov>
Cc: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Shaw, Nena <Shaw.Nena@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: RE: Query for OGC related to reorg proposal

David,

I did not hear back on the note below and wanted to check in to make sure you had received the email. Any chance we might have answers by COB today? Thanks again.

Tim Torma

From: Torma, Tim
Sent: Monday, June 19, 2017 12:59 PM
To: Guerrero, David <guerrero.david@epa.gov>
Cc: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>; Shaw, Nena <Shaw.Nena@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Subject: FW: Query for OGC related to reorg proposal

David,

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Thanks for any help you can give and please let me know if you have questions or need more information.

Tim Torma

Senior Advisor

U.S. EPA Office of Policy

202-566-2864

From: Sweeney, Stephen

Sent: Friday, June 16, 2017 9:41 AM

To: Torma, Tim <Torma.Tim@epa.gov>
Cc: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>;
Guerrero, David <guerrero.david@epa.gov>
Subject: FW: Query for OGC related to reorg proposal

Do Not Release: Withhold under applicable FOIA
exemptions

Tim,

Ex. 5 - Attorney Client/Deliberative Process

Thanks,

Steve

Stephen J. Sweeney

Office of General Counsel

U.S. Environmental Protection Agency

sweeney.stephen@epa.gov

202-564-5491 (desk)

202-564-5531 (fax)

From: Sweeney, Stephen

Sent: Thursday, June 15, 2017 2:12 PM

To: Guerrero, David <guerrero.david@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>

Cc: Redden, Kenneth <Redden.Kenneth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>

Subject: RE: Query for OGC related to reorg proposal

David,

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Thanks

Steve

From: Guerrero, David
Sent: Thursday, June 15, 2017 1:02 PM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>
Cc: Redden, Kenneth <Redden.Kenneth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>
Subject: RE: Query for OGC related to reorg proposal

Steve:

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

David P. Guerrero

Assistant General Counsel

U.S. Environmental Protection Agency

Office of General Counsel (2377A)It se

General Law Office

Employment Law Practice Group

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-5458

(202) 564-5432 - Fax

From: Sweeney, Stephen

Sent: Thursday, June 15, 2017 11:55 AM

To: Talbert-Duarte, Angelia <talbert-duarte.angelia@epa.gov>

Cc: Redden, Kenneth <Redden.Kenneth@epa.gov>; Guerrero, David <guerrero.david@epa.gov>

Subject: FW: Query for OGC related to reorg proposal

Angie,

Ex. 5 - Attorney Client/Deliberative Process

Thanks,

Steve

From: Torma, Tim
Sent: Thursday, June 15, 2017 11:34 AM
To: Sweeney, Stephen <Sweeney.Stephen@epa.gov>
Cc: Campbell, Jennie <Campbell.Jennie@epa.gov>
Subject: Query for OGC related to reorg proposal

Steve,

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Tim Torma

Senior Advisor

U.S. EPA Office of Policy

202-566-2864

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Lewis, Jen[Lewis.Jen@epa.gov]; Salo, Earl[Salo.Earl@epa.gov]
From: Michaud, John
Sent: Fri 3/3/2017 6:33:21 PM
Subject: RE: 108(b) Paper - Barnes wants to send to Barry today
Options for modifying the hrm rule 13 RHS comments 03.03.17 1245pm.docx

Rob –

Ex. 5 - Attorney Work Product, Deliberative Process

John

John R Michaud

Associate General Counsel

Solid Waste and Emergency Response Law Office

202-564-5518

michaud.john@epa.gov

From: Stachowiak, Robert
Sent: Friday, March 03, 2017 12:52 PM
To: Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Salo, Earl <Salo.Earl@epa.gov>
Subject: 108(b) Paper - Barnes wants to send to Barry today

Hi everyone –

JM, I left you a voicemail on this this AM.

Ex. 5 - Attorney Work Product, Deliberative Process

I need to go to my dr's appointment now, but will be back after 2:45pm.

Thanks!

-R

From: Foster, Barbara
Sent: Thursday, March 02, 2017 3:48 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: Paper for review

Ex. 5 - Deliberative Process

Thanks

[btw – I'm still in meetings but did let Sonya know we need to talk about your concern]

From: Stachowiak, Robert
Sent: Thursday, March 02, 2017 3:01 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: Paper for review

Ex. 5 - Deliberative Process, Atty-Client

Ex. 5 - Deliberative Process, Atty-Client

-R

From: Foster, Barbara
Sent: Thursday, March 02, 2017 1:40 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: Paper for review

Ex. 5 - Deliberative Process

Thank you!

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Packard, Elise
Sent: Tue 2/21/2017 9:01:06 PM
Subject: Fwd: CERCLA 108b Extension Package--Need tomorrow noon for Barry's signature

Help!

Sent from my iPhone
Elise Packard
202 564 7729

Begin forwarded message:

From: "Michaud, John" <Michaud.John@epa.gov>
Date: February 21, 2017 at 3:26:13 PM EST
To: "Packard, Elise" <Packard.Elise@epa.gov>
Cc: "Lewis, Jen" <Lewis.Jen@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Chang, Patrick" <Chang.Patrick@epa.gov>
Subject: FW: CERCLA 108b Extension Package--Need tomorrow noon for Barry's signature

Elise –

Ex. 5 - Attorney Client/Deliberative Process/ Attorney Work Product

Please let me know if you would like to discuss further.

Thanks.

John R Michaud

Associate General Counsel

Solid Waste and Emergency Response Law Office

202-564-5518

michaud.john@epa.gov

From: Huggins, Richard

Sent: Tuesday, February 21, 2017 2:52 PM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Andrews, Mary <Andrews.Mary@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Michaud, John <Michaud.John@epa.gov>

Subject: Fwd: CERCLA 108b Extension Package--Need tomorrow noon for Barry's signature

Sent from iPhone

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: [703-308-0017](tel:703-308-0017) iPhone: **Ex. 6 - Personal Privacy**

Begin forwarded message:

From: "Mattick, Richard" <Mattick.Richard@epa.gov>

Date: February 21, 2017 at 2:32:07 PM EST

To: "Breen, Barry" <Breen.Barry@epa.gov>, "Johnson, Barnes" <Johnson.Barnes@epa.gov>

Cc: ORCR IO <ORCR_IO@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Simon, Nigel" <Simon.Nigel@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Foster, Barbara" <Foster.Barbara@epa.gov>

Subject: CERCLA 108b Extension Package--Need tomorrow noon for Barry's signature

Hi Barry and Barnes,

Ex. 5 - Deliberative Process

In order to meet the timeframe requested, please provide me with the extension package **for Barry's signature** no later than noon tomorrow.

Please let me know if you have any questions. I will follow-up with Sonya/Barbara on any details they may have regarding the package and contents.

Thanks,

Rich

Richard Mattick

Office of Land Management and Emergency Response

Policy and Regulatory Management Staff

202-566-1926

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Packard, Elise
Sent: Thur 1/26/2017 11:13:07 PM
Subject: FW: CERCLA 108(b) update
Jan 2017 Status Report Draft 2017.01.26 to DOJ.docx

Elise B. Packard

Acting Principal Deputy General Counsel

U.S. EPA Office of General Counsel, Rm. 4020

(202) 564-7729

From: Chang, Patrick
Sent: Thursday, January 26, 2017 3:04 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Cc: Trudeau, Shaun <Trudeau.Shaun@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: CERCLA 108(b) update

Hi Elise,

I see that Shaun is out, so I figured I'd reach out to you directly.

Ex. 5 - Attorney Client/Attorney Work Product/Deliberative Process

I've attached the most recent version.

Thanks!

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

From: Trudeau, Shaun

Sent: Monday, January 23, 2017 10:55 AM

To: Packard, Elise <Packard.Elise@epa.gov>

Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>;
Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Subject: FW: CERCLA 108(b) update

Elise:

Ex. 5 - Attorney Client/Deliberative Process/Attorney Work Product

If you have any questions or concerns, please let me or Patrick Chang know.

Thanks,

Shaun

Shaun R. Trudeau

Attorney-Advisor

Operational Special Assistant to the Principal Deputy
Office of General Counsel
U.S. Environmental Protection Agency
Office: 202.564.5127

From: Chang, Patrick

Sent: Monday, January 23, 2017 9:51 AM

To: Trudeau, Shaun <Trudeau.Shaun@epa.gov>

Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John
<Michaud.John@epa.gov>

Subject: CERCLA 108(b) update

Hi Shaun,

Ex. 5 - Attorney Client/Deliberative Process/Attorney Work Product

I've attached a draft of the status report that ORCR is reviewing. It is due to DOJ on Wednesday, 1/25/17, and will be filed with the court on Monday, 1/30/17.

Let me know if you or Kevin would like any more information about this. Thanks.

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Kenny, Shannon
Sent: Fri 12/9/2016 2:45:27 AM
Subject: Re: Friday's landing team briefing schedule

Thank you!

Ex. 5 - Deliberative Process/Attorney Client

Ex. 5 - Deliberative Process/Attorney Client

Sent from my iPhone

On Dec 8, 2016, at 9:34 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I'm definitely reachable tomorrow afternoon and will make sure and check regularly to see in case I don't feel my phone vibrate. I'm also happy to check in over the weekend. I'm taking the train up to NYC Saturday afternoon but that doesn't limit my availability.

Ex. 5 - Deliberative Process/Attorney Client

Let me know if you want to talk this through in the morning.

Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8064

On Dec 8, 2016, at 8:45 PM, Kenny, Shannon <Kenny.Shannon@epa.gov> wrote:

I think that's totally ok, especially if we can find you via text if needed. Thanks for checking! Should be an eventful day.

Ex. 5 - Deliberative Process/Attorney Client

Ex. 5 - Deliberative Process/Attorney Client

Shannon

Sent from my iPhone

On Dec 8, 2016, at 8:21 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Shannon- I was planning on being there for the 10:30 then going back offsite (but only 15-20 minutes away) for the rest of the afternoon. Any concern on your part with that? I can be back onsite within short notice, but was not planning on being at my desk "just in case". Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: [202-564-8064](tel:202-564-8064)

On Dec 8, 2016, at 8:05 PM, Kenny, Shannon <Kenny.Shannon@epa.gov> wrote:

Hi everyone, here is the final schedule for tomorrow, pending confirmation from you all.

We are working to update the calendar invitations now. According to the availability information we have, we believe this can work. We have personally confirmed times with most of you already today. Let us know if there are any problems.

Myron has confirmed the team will be here from 10-430 tomorrow. Per Myron's request we will have two briefings happening at once where schedules allow, since we will have 7 landing team members present.

10:00 am - Introductory Meeting
10:30 am - Information Law & NDA Signing
11:00 am - Renewable Fuels Standards
11:00 am - CERCLA 108(b)
12:00 pm - Logistics & E-Briefing Site
[LUNCH]
1:30 pm - Paris Agreement
2:30 pm - Flint, Michigan
3:30 pm - Volkswagen
3:30 pm - New TSCA

Thank you all for your flexibility as we work through this,
Shannon

Sent from my iPad

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Kenny, Shannon
Sent: Fri 12/9/2016 1:45:36 AM
Subject: Re: Friday's landing team briefing schedule

I think that's totally ok, especially if we can find you via text if needed. Thanks for checking!
Should be an eventful day. **Ex. 5 - Deliberative Process/Attorney Client**

Ex. 5 - Deliberative Process/Attorney Client

Sent from my iPhone

On Dec 8, 2016, at 8:21 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Shannon- I was planning on being there for the 10:30 then going back offsite (but only 15-20 minutes away) for the rest of the afternoon. Any concern on your part with that? I can be back onsite within short notice, but was not planning on being at my desk "just in case".
Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: [202-564-8064](tel:202-564-8064)

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[LUNCH]

1:30 pm - Paris Agreement

2:30 pm - Flint, Michigan

3:30 pm - Volkswagen

3:30 pm - New TSCA

Thank you all for your flexibility as we work through this,
Shannon

Sent from my iPad

Message

From: Owens, Nicole [Owens.Nicole@epa.gov]
Sent: 10/25/2017 2:26:22 PM
To: Bolen, Brittany [bolen.brittany@epa.gov]
CC: Rees, Sarah [rees.sarah@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Curry, Bridgid [Curry.Bridgid@epa.gov]; Kime, Robin [Kime.Robin@epa.gov]
Subject: FW: Transmittal of the Revised Reg Reform Progress Report
Attachments: EO 13777 90-day Status Report.docx; S.Dravis Memo for EO 13777 90-day Status Report.docx

Hello –

Attached is the 13777 90-day status report.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Nicole

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Kime, Robin

Sent: Friday, May 26, 2017 10:08 AM

To: Curry, Bridgid <Curry.Bridgid@epa.gov>; Owens, Nicole <Owens.Nicole@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>

Subject: Transmittal of the Revised Reg Reform Progress Report

Thank you.

Samantha is managing the transmittal.

To: Rees, Sarah[rees.sarah@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Owens, Nicole[Owens.Nicole@epa.gov]; Curry, Bridgid[Curry.Bridgid@epa.gov]
From: Muellerleile, Caryn
Sent: Fri 6/9/2017 8:05:44 PM
Subject: FW: EO 13771 Comments
2017 Template for EO 13771 Preliminary Submissions EPA 06092017.xlsx
2018 Template for EO 13771 Preliminary Submissions EPA 06092017.xlsx

Per our discussion this afternoon, suggested response.

Hello Danielle,

Ex. 5 - Deliberative Process

From: Jones, Danielle Y. EOP/OMB [mailto:**Ex. 6 - Personal Privacy Email**]
Sent: Thursday, June 08, 2017 6:57 PM
To: Muellerleile, Caryn <Muellerleile.Caryn@epa.gov>
Cc: Owens, Nicole <Owens.Nicole@epa.gov>; DeBruhl, Brandon F. EOP/OMB
<**Ex. 6 - Personal Privacy Email**>
Subject: EO 13771 Comments

Hi Caryn,

Below are comments on the EO spreadsheet. Can you incorporate these changes by COB tomorrow?

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Danielle Y. Jones

Senior Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 5 - Deliberative Process

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Noggle, William
Sent: Wed 11/8/2017 2:29:54 PM
Subject: RE: Call tomorrow with DOJ

I added Jen and John to the invite. I'll find out more info on the meeting and pass along. Thanks.

-----Original Message-----

From: Stachowiak, Robert
Sent: Wednesday, November 08, 2017 9:27 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: Call tomorrow with DOJ

I agree - me, John and Jen should be on the invite for SWERLO. The question I have is whether Jonathan Brightbill (DOJ political level) is going. This will affect whether we need to ensure that David Fotouhi is also available from OGC.

-----Original Message-----

From: Sasseville, Sonya
Sent: Wednesday, November 08, 2017 9:25 AM
To: Noggle, William <Noggle.William@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: Call tomorrow with DOJ

In terms of level, if Jim Laity is going to be on the call, it seems it should include management level. But of course it would be helpful to understand the nature of the call in order to figure out who should attend.

-----Original Message-----

From: Noggle, William
Sent: Wednesday, November 08, 2017 9:18 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: Call tomorrow with DOJ

Sorry... I misread Rob's availability. Calling Pablo now.

-----Original Message-----

From: Noggle, William
Sent: Wednesday, November 08, 2017 9:17 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: FW: Call tomorrow with DOJ

Sonya, Barbara, Rob,
For a call with DOJ and OMB, it appears 2pm may work for you tomorrow. Let me know if this doesn't work. I'll send the meeting invite shortly.

Thanks,
Bill

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto:**Ex. 6 - Personal email**]
Sent: Wednesday, November 08, 2017 9:13 AM
To: Noggle, William <Noggle.William@epa.gov>
Subject: RE: Call tomorrow with DOJ

Bill - can you guys do 2pm on Thursday? That's the only time I got from DOJ. Don't know what level will be attending but will keep you posted when I have a better sense.

-----Original Message-----

From: Noggle, William [mailto:Noggle.William@epa.gov]

Sent: Wednesday, November 8, 2017 9:07 AM

To: Rojas, Pablo EOP/OMB (Intern) <[REDACTED]> **Ex. 6 - Personal email**

Subject: RE: Call tomorrow with DOJ

Pablo,

We may have availability after 4:30 today. Do you know what level DOJ will be attending?

Thanks,

Bill

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto:[REDACTED]] **Ex. 6 - Personal email**

Sent: Tuesday, November 07, 2017 5:17 PM

To: Noggle, William <Noggle.William@epa.gov>

Subject: Call tomorrow with DOJ

Hi Bill,

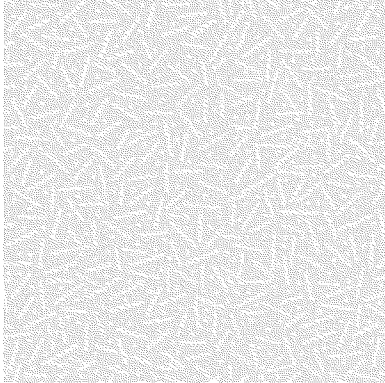
Jim Laity wants to set up a call for tomorrow ideally, and if not tomorrow then Thursday, to discuss the CERCLA 108(b) hardrock mining rule among DOJ, EPA and EOP folks. Could we try for something tomorrow afternoon?

Thanks,

Pablo

202 395 1128

To: Schoenborn, William[Schoenborn.William@epa.gov]
Cc: Foster, Barbara[Foster.Barbara@epa.gov]
From: Kline, Bill
Sent: Mon 4/11/2016 3:18:05 PM
Subject: RE: potential excluded classes



Ex. 5 - Deliberative Process

Bill Kline
U.S. Environmental Protection Agency
Office of Land and Emergency Management

Office of Resource Conservation and Recovery (5303P)
Program Implementation and Information Division
Information Collection and Analysis Branch
Phone: 540-341-3631
Fax : 540-349-9181
email : kline.bill@epa.gov

From: Schoenborn, William
Sent: Monday, April 11, 2016 11:09 AM
To: Kline, Bill ; Kelly, PatrickM ; Foster, Barbara ; Stachowiak, Robert
Subject: RE: potential excluded classes

Hi Bill, Barbara, Rob:

Ex. 5 - Deliberative Process

Bill

From: Kline, Bill
Sent: Monday, April 11, 2016 10:16 AM
To: Kelly, PatrickM <Kelly.PatrickM@epa.gov>; Schoenborn, William
<Schoenborn.William@epa.gov>
Subject: potential excluded classes

Good morning, Patrick and Bill. Barbara Foster asked me to forward these three documents to you. I just received them last week from Richard Benware.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Bill Kline
U.S. Environmental Protection Agency
Office of Land and Emergency Management

Office of Resource Conservation and Recovery (5303P)
Program Implementation and Information Division
Information Collection and Analysis Branch
Phone: 540-341-3631
Fax : 540-349-9181
email : kline.bill@epa.gov

From: Benware, Richard
Sent: Thursday, April 07, 2016 11:15 AM
To: Kline, Bill <Kline.Bill@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Palmer, Scott <Palmer.Scott@epa.gov>
Subject: RE: question re: small mines

Bill,

Ex. 5 - Deliberative Process

Best,

-Richard

Richard J. Benware

Economics Team Leader, U.S. EPA

Economics & Risk Analysis Staff

1200 Pennsylvania Ave., NW

Mail Code 5305P

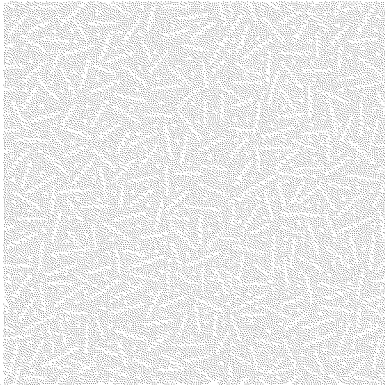
Washington, DC 20460

Email: benware.richard@epa.gov

Phone: (703) 308-0436

=====

To: Taylor, Timothy[Taylor.Timothy@epa.gov]; Schoenborn, William[Schoenborn.William@epa.gov]
Cc: Foster, Barbara[Foster.Barbara@epa.gov]
From: Kline, Bill
Sent: Tue 3/1/2016 1:54:05 PM
Subject: Reminder -- Review of documents re: preamble language



.....
Good morning.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Bill Kline
U.S. Environmental Protection Agency
Office of Land and Emergency Management

Office of Resource Conservation and Recovery (5303P)
Program Implementation and Information Division
Information Collection and Analysis Branch
Phone: 540-341-3631
Fax : 540-349-9181
email : kline.bill@epa.gov

To: Huff, Mark J[huff.markj@epa.gov]
Sent: Wed 6/7/2017 9:08:39 PM
Subject: RE: Request for info. regarding proposed project to conduct a Pilot Hardrock Mining Analyses to help make improvements to the formula

Hi Mark,

Thanks for confirming this. That's as I expected.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I wanted you and Sonya to have this before we meet tomorrow. I'm going to get this out to the team in the morning so they can give me their feedback as well.

Thx again, Scott

From: Huff, Mark J
Sent: Wednesday, June 07, 2017 1:56 PM

To: Palmer, Scott <Palmer.Scott@epa.gov>
Cc: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Maid, Scott <Maid.Scott@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: Request for info. regarding proposed project to conduct a Pilot Hardrock Mining Analyses to help make improvements to the formula

We checked with our team and we're not sure about where this line item originated but we have

Ex. 5 - Deliberative Process

Thanks!

FY17 ORCR Op Plan
Superfund
Division Project Name

FY17 Op
Plan
Request
\$

Ex. 5 - Deliberative Process

From: Palmer, Scott

Sent: Wednesday, June 07, 2017 1:28 PM

To: Benware, Richard <Benware.Richard@epa.gov>

Cc: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Maid, Scott <Maid.Scott@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Subject: Request for info. regarding proposed project to conduct a Pilot Hardrock Mining Analyses to help make improvements to the formula

Richard, I've been doing my best to track the 108(b) budget, in spite of the ever-changing tracking spreadsheets that are being managed by the budget folks in PMCAO.

Ex. 5 - Deliberative Process

Thx, Scott

Message

Sent: 6/7/2017 10:48:26 PM
To: Huff, Mark J [huff.markj@epa.gov]
Subject: RE: Request for info. regarding proposed project to conduct a Pilot Hardrock Mining Analyses to help make improvements to the formula

Hi Mark,

Thanks for confirming this. That's as I expected.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I wanted you and Sonya to have this before we meet tomorrow. I'm going to get this out to the team in the morning so they can give me their feedback as well.

Thx again, Scott

From: Huff, Mark J
Sent: Wednesday, June 07, 2017 1:56 PM
To: Palmer, Scott <Palmer.Scott@epa.gov>
Cc: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Maid, Scott <Maid.Scott@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: Request for info. regarding proposed project to conduct a Pilot Hardrock Mining Analyses to help make improvements to the formula

We checked with our team and we're not sure about where this line item originated but we have all our 108b needs

Ex. 5 - Deliberative Process

Thanks!

**FY17 ORCR Op Plan
Superfund**

Division	Project Name	FY17 Op Plan Request S
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Ex. 5 - Deliberative Process

To: Benware, Richard <Benware.Richard@epa.gov>

Cc: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Maid, Scott <Maid.Scott@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Subject: Request for info. regarding proposed project to conduct a Pilot Hardrock Mining Analyses to help make improvements to the formula

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Ex. 5 - Deliberative Process

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Sent: 6/7/2017 10:39:32 PM
To: Huff, Mark J [huff.markj@epa.gov]
Subject: RE: Request for info. regarding proposed project to conduct a Pilot Hardrock Mining Analyses to help make improvements to the formula

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

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**FY17 ORCR Op Plan
Superfund**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Palmer, Scott

Sent: Wednesday, June 07, 2017 1:28 PM

To: Benware, Richard <Benware.Richard@epa.gov>

Cc: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Maid, Scott <Maid.Scott@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

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Ex. 5 - Deliberative Process

Thx, Scott

To: Pruitt, Scott[Pruitt.Scott@epa.gov]
From: Cheryl Turner
Sent: Thur 3/16/2017 6:49:05 PM
Subject: EPA's Proposed Rule for Financial Responsibility Requirements for the Hardrock Mining Industry Under CERCLA Section 108(b)
removed.txt
Baker_Pruitt CERCLA § 108(b) Rule 3.1617.pdf

Mr. Pruitt,

Please see the attached letter from Phil Baker.

Best regards,

Cheryl Turner

Executive Assistant

Office: (208) 209-1261

Cell: **Ex. 6 - Cell Phone**



Hecla Limited | 6500 N. Mineral Dr., Suite 200 | Coeur d'Alene, ID 83815-9408

Message

From: Radtke, Meghan [Radtke.Meghan@epa.gov]
on behalf of Johnson, Barnes [Johnson.Barnes@epa.gov]
Sent: 1/31/2017 12:23:56 PM
To: Radtke, Meghan [Radtke.Meghan@epa.gov]
Subject: FW: CERCLA 108(b) - Two Pager
Attachments: CERCLA 108(b) HRM_1 pager_1_30_17--RKM.docx

Meghan Radtke, Ph.D., Biologist
Special Assistant
Office of Resource Conservation and Recovery
Office of Land and Emergency Management
U.S. Environmental Protection Agency
Desk phone: 703-347-0229
Mobile: 703-472-8215

From: Mattick, Richard
Sent: Monday, January 30, 2017 2:41 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: RE: CERCLA 108(b) - Two Pager

Hi all,

See attached a few comments that jumped out at me as I took a look. I'm unclear who is receiving edits on this, but would be happy to work with ORCR to address as well as integrate the cost info once we have it.

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Subject: CERCLA 108(b) - Two Pager

Barry,

Attached, please find per your request a draft of the two pager. This version has been updated from the original one pager developed for the landing team; the formatting has changed and cleaned up from the format used for the landing team; and one additional bullet was added to the background section – this bullet lists the seven main issues that define the proposal (you'll recall that it is these issues that we went over with the landing team).

Mark is working on a short summary of the RIA and Sonya is pulling together a more formal briefing paper (not sure if we will brief from the two pager or from this package that Sonya is pulling together; regardless we will need this even if it's not for this).

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
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Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Saturday, January 28, 2017 3:36 PM

To: Schnare, David <schnare.david@epa.gov>

Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter.

Ex. 5 - Deliberative Process

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There already exists substantial supporting comments (pre-proposal) from mining regulators association, the Western governors and NMA and AE&MA.

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.

Sent: Monday, January 23, 2017 4:36 PM

To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)

Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)

Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: ORCR IO[ORCR_IO@epa.gov]
From: Radtke, Meghan
Sent: Fri 9/8/2017 12:17:33 PM
Subject: #Daily Materials for Barnes 9-8-17
To Dos 9/8/17
NMA 108b Comments
Schedule 6.docx
Re: 2017 Remediation Benchmarking Workshop Session
PNDD Fourth Draft v2.pdf
RE: Completion of Recommendation 2 in the OIG Report on Disaster Debris

Ex. 5 - Deliberative Process

Meeting Materials

108(b) (background for OMB meeting)

Remediation Workshop discussion (Outlook item)

Materials for Review

To dos

108(b) NMA comments (Outlook item)

PNDD for review

Completion of OIG Recommendation #2 (disaster debris planning)

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: **Ex. 6 - Personal Privacy**

Message

From: Radtke, Meghan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7A364F0FAAD54A79BE238288FA3496CF-RADTKE, MEGHAN]
on behalf of Johnson, Barnes [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C39E9338CBF04DC3B4B29F78E5213303-JOHNSON, BARNES]
Sent: 1/31/2017 12:23:56 PM
To: Meghan Radtke (Radtke.Meghan@epa.gov) [Radtke.Meghan@epa.gov]
Subject: FW: CERCLA 108(b) - Two Pager
Attachments: CERCLA 108(b) HRM_1 pager_1_30_17--RKM.docx

Meghan Radtke, Ph.D., Biologist
Special Assistant
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Ex. 5 - Deliberative Process

dschnare

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Ex. 5 - Deliberative Process

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Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: Rees, Sarah[rees.sarah@epa.gov]
From: Torma, Tim
Sent: Fri 6/23/2017 4:38:03 PM
Subject: RE: Hot topics

Nothing about RSL tables in their weekly. Have we covered that in past weeks?

Here's their weekly:

Hot Issues

1. **National Priorities List (NPL), package of proposed sites and final sites.**
2. **CCR State Permit Program Guidance.**
3. **Gold King Mine Reimbursement Report to Congress.** We are finalizing a report to Congress on reimbursements to states, tribes, and local governments, as required by the final FY 2017 appropriations act's report language.
4. **Superfund Report to Congress.** EPA's annual report to Congress providing a list of sites and information about sites where additional work is required is pending transmittal.
5. **Clean Air Act 112(r) Risk Management Program Rule..** The final rule to extend the RMP rule's effective date to February 19, 2019, was published in the Federal Register on June 14. On June 15, Earthjustice filed a petition for judicial review of the RMP Delay Rule on behalf of 13 advocacy groups (*Air Alliance Houston et al. v. EPA et al.*).
6. **CERCLA 108(b) Financial Assurance Rulemaking.** The comment period ends on July 11, 2017. Pursuant to a judicial order on consent, a notice of EPA's final action will be signed by December 1, 2017.

Upcoming Public Events

1. **2017 Brownfields Conference.** Following up on oral discussions, we've submitted the request for the Administrator to deliver the keynote address at the 2017 Brownfields Conference on December 5, 2017, in Pittsburgh.
2. **Federal Green Challenge.** On June 28, we plan to announce the Federal Green Challenge award winners and their achievements from FY2016. Thank you to OPA for helping with the communications plan and press release.

Upcoming Major Decisions

1. **National Priorities List package of proposed and final sites.**

Last Week Highlights

1. **Eagle Horizon Continuity of Operations (COOP) National Exercise.** Yesterday (June 21), we conducted the Headquarters National Continuity Program Exercise. The Headquarters COOP Emergency Relocation Group (ERG) deployed, and exercised an earthquake scenario involving devolution to Region 8. Thank you for senior participation from OAR, OARM, OCFO, OCSPP, OECA, OEI, OGC, OIG, OITA, ORD, OW, Region 8, and OA (including the AO, OPA, and OHS).
2. **All Appropriate Inquiries (AAI) Rule.** The proposed and direct final rules to amend the AAI rule were published in the Federal Register on June 20.
3. **VERA/VSIP.** We held two all-hands meetings for OLEM staff members today.

From: Rees, Sarah
Sent: Friday, June 23, 2017 11:15 AM
To: Torma, Tim <Torma.Tim@epa.gov>
Subject: Hot topics

The only one I'll harp on is the OLEM item for awareness – their revised RSL tables.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sarah L. Rees, Ph.D.

Director, Office of Regulatory Policy & Management

US EPA – Office of Policy

(202) 564-1986 (o) | Ex. 6 - Personal Privacy (m)

Message

From: Rees, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=REES, SARAH]
Sent: 2/23/2017 4:03:00 PM
To: Corrales, Mark [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ea2aab1b6ef46d1938a9d447fb2fdb6-Corrales, Mark]; Owens, Nicole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=30cf6e677ee74b2f998423e6e2836fdd-NOwens]; Curry, Bridgid [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b3e8f1ede85644178906a6d842d64491-BCurry]
Subject: FW: REGULATORY REVIEW

Ex. 5 - Deliberative Process

From: Schnare, David
Sent: Wednesday, February 22, 2017 6:54 PM
To: Kenny, Shannon <Kenny.Shannon@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>
Subject: FW: REGULATORY REVIEW

The categories that sprang to my mind were:

Ex. 5 - Deliberative Process

dschnare

From: Dankert, Charles M. EOP/OMB [mailto:C] **Ex. 6 - Personal Privacy**
Sent: Monday, February 20, 2017 3:15 PM
To: Benton, Donald <benton.donald@epa.gov>; Schnare, David <schnare.david@epa.gov>
Cc: Campau, Anthony **Ex. 6 - Personal Privacy** Peacock, Marcus C. EOP/OMB
Subject: RE: REGULATORY REVIEW

FYI: **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Dankert, Charles M. EOP/OMB
Sent: Thursday, February 16, 2017 5:03 PM
To: 'Benton, Donald' <benton.donald@epa.gov>; 'Schnare, David' <schnare.david@epa.gov>
Cc: Campau, Anthony < **Ex. 6 - Personal Privacy** >; Peacock, Marcus C. EOP/OMB
Subject: REGULATORY REVIEW

Don & David,

Below is a list of recently published regulatory, policy, and other administrative actions that need review from your agency. Please work with your policy, legal, and regulatory teams to review and recommend actions before COB on Thursday, February 23rd. We look forward to discussing this further with you.

DEPARTMENT	CATEGORY	SUBJECT	SUMMARY	RECOMMENDED ACTION
EPA	Permit	General Permit	• Final NPDES General Permit for Stormwater Discharges from Construction Activities (1/19/17). Replaces the prior general permit that prevents operators from needing individual permits.	
EPA	Permit	General Permit	• Proposed Reissuance of the NPDES General Permit for Facilities Related to Oil and Gas Extraction in the Territorial Seas of Texas (1/19/17). Replaces the prior general permit that prevents operators from needing to secure individual permits. Authorizes discharges from exploration, development, and production facilities located in and discharging into the territorial seas off Texas.	
EPA	Regulatory Action	Water	• Public Notification Requirements for Combined Sewer Overflows to the Great Lakes Basin (1/13/17). Rule would implement section 425 of the FY 2016 Appropriations Bill to establish public notice requirements.	
EPA	Other	Water	• Drinking Water Infrastructure Needs Survey and Assessment – Sixth Report to Congress. OMB received this draft report from EPA on January 19, 2017, for comment and interagency review. The report compiles data collected during FY 2015 on the drinking water infrastructure needs for public water systems across the country and will be used to calculate the allocation formula for State Revolving Fund (SRF) grants beginning in FY 2018. RMO is currently reviewing the report.	
EPA	Other	Water	• Safe Drinking Water Act Assessment of Lead in Drinking Water (1/19/17). EPA published a Federal Register Notice seeking nominations for an expert external peer review panel and public comment on a draft report entitled, “Proposed Modeling Approaches for a Health Based Benchmark for Lead in Drinking Water” and the draft charge questions for the expert peer review panel. Nominations must be received by February 21, 2017, and comments on the draft report and charge questions must be received by March 6, 2017.	

EPA	Other	GHG	<ul style="list-style-type: none"> • Mid-Term Review Decision of GHG Standards for Cars and Light Trucks. On January 12, 2017, the EPA determined to maintain the current GHG emissions standards for model year (MY) 2022-2025 vehicles. 	
EPA	Other	Incinerator Guidelines for States	<ul style="list-style-type: none"> • Proposed Incinerator Guidelines for States (1/10/17). This proposed rule sets emissions limits, progress milestones, and other elements that the state plans are to contain. 	
EPA	Regulatory Action	Uranium and Thorium Mill Tailings	<ul style="list-style-type: none"> • Proposed Health and Environmental Protection Standards for Uranium and Thorium Mill Tailings (1/19/17). EPA re-proposed standards applicable to byproduct materials produced by uranium in-situ recovery (ISR). The standards would be implemented by the U.S. Nuclear Regulatory Commission (NRC) and NRC Agreement States. 	
EPA	Reports	Annual Toxics Release Inventory	<ul style="list-style-type: none"> • Annual Toxics Release Inventory. This EPA Report shows releases of toxic chemicals into the air nation-wide. 	
EPA	Guidance	Air	<ul style="list-style-type: none"> • Federal GHG Accounting and Reporting Guidance. This CEQ led effort provides methods for calculating GHG emissions in accordance with E.O. 13693. This was finalized on January 17, but is not currently posted on the CEQ website. 	
EPA	Other	NAAQS Review Deadline	<ul style="list-style-type: none"> • NAAQS Review Deadlines for NO₂/SO₂. On January 17, EPA reached a tentative settlement with a litigant (Sierra Club) that commits the agency to hard deadlines for reviewing the National Ambient Air Quality Standards (NAAQS) for NO₂ and SO₂. 	
EPA	Findings of Failure	Ozone Plan Findings of Failure: 15 States and DC	<ul style="list-style-type: none"> • Ozone Plan Findings of Failure. On January 20, EPA signed "findings of failure" of 15 states and D.C. to submit state implementation plans for the 2008 ozone air quality standard, starting the clock on a two-year window under the Clean Air Act for those jurisdictions to submit approvable plans for become subject to a Federal Implementation Plan. 	
EPA	Regulatory Action	Hazard Ranking System	<ul style="list-style-type: none"> • Addition of a Subsurface Intrusion Component to the Hazard Ranking System Final Rulemaking (1/19/17). This rule allows Subsurface Intrusion to be included as a factor in scoring a contaminated site under the Hazard Ranking System for inclusion on the Superfund National Priorities List. 	
EPA	Regulatory Action	CERCLA	<ul style="list-style-type: none"> • CERCLA 108(b) Financial Assurance Proposed Rulemaking for the Hardrock Mining 	

			Industry (1/11/17). This proposed rule establishes financial assurance requirements for the Hardrock Mining industry under CERCLA 108(b).	
EPA	Regulatory Action	CERCLA	<ul style="list-style-type: none"> • CERCLA 108(b) Financial Assurance Notice for the Chemical, Petroleum, and Electric Power Industries (1/11/17). This notified the chemical manufacturing, petroleum and coal products manufacturing, and electric power generation industries about EPA's intent to issue proposed financial assurance rulemakings pursuant to a court ordered schedule over the next seven years. 	
EPA	Regulatory Action	CAA	<ul style="list-style-type: none"> • Risk Management Program Final Rule (1/13/17). This final rulemaking is on the Accidental Release Prevention Requirements of the Risk Management Program under the Clean Air Act. 	
EPA	Guidance	Remediating Contaminated Sediment Sites Directive	<ul style="list-style-type: none"> • Remediating Contaminated Sediment Sites Directive. On January 9, 2017, Assistant Administrator Mathy Stanislaus issued a directive to the Regional Administrators following up on recommendations made by GAO on sediment site remediation. EPA plans on sending to Congress under a cover letter approved by OMB in the next few weeks. 	
EPA	Denial of Claims	Gold King Mine Claims	<ul style="list-style-type: none"> • Gold King Mine Claims. On January 13, 2017, EPA denied a majority of claims filed under the Federal Tort Claims Act related to the August 5, 2015 Gold King Mine Release. EPA will continue to operate the water treatment facility at the site and water monitoring programs in areas previously impacted by the spill. 	
EPA	Policy Action	Pesticides	<ul style="list-style-type: none"> • Final policy for addressing acute risks to bees from pesticides (1/12/17). Prohibits applications of acutely toxic pesticides under certain conditions when bees are most likely to be present. 	
EPA	Regulatory Action	Trichloroethylene Ban	<ul style="list-style-type: none"> • Proposed rule to ban trichloroethylene (TCE) when used in vapor degreasing (1/11/17). The proposed rule affects consumer and occupational settings. 	
EPA	Regulatory Action	Nanoscale Materials	<ul style="list-style-type: none"> • Final rule for Reporting and Record Keeping Requirements on Nanoscale Materials (1/11/17). Industry is required to participate in a one-time reporting requirement concerning chemicals made at the nanoscale. 	
EPA	Regulatory Action	Methylene chloride and NMP use	<ul style="list-style-type: none"> • Proposed rule to limit methylene chloride and NMP when used as paint removers (1/12/17). The proposed rule affects consumer and occupational settings. 	

EPA	Regulatory Action	Toxic Release Inventory	<ul style="list-style-type: none"> Proposed rule to add natural gas processing facilities to list of industrial sectors covered by the Toxic Release Inventory (1/6/17). 	
EPA	Regulatory Action	Pesticides	<ul style="list-style-type: none"> Certified Applicators of Restricted Use Pesticides Final Rule (1/4/17). Only certified applicators can spray restricted use pesticides. The final rule published on January 4, 2017 updates competency standards and raises the minimum age of certified applicators. Under the rule, states submit plans for EPA's approval that explain how state certification programs comply with the updated standards. 	
EPA	Reports	Toxic Substances Control Act	<ul style="list-style-type: none"> Report to Congress concerning resource and capacity needs to conduct chemical risk evaluations under the amended Toxic Substances Control Act (TSCA). As required by the recently amended TSCA, EPA provided this report to Congress on January 19, 2017. EPA indicated that the additional requirements of the amended TSCA pose resource challenges, but that the agency is working to increase capacity to implement the requirements of the new law. 	
EPA	Risk Assessment	Pesticides	<ul style="list-style-type: none"> Four neonicotinoid pesticide risk assessments made available for public comment (1/12/17). EPA found that most crop uses do not pose significant risks to bee colonies, but spraying for several crops may pose risks. 	
EPA	Other	Endangered species	<ul style="list-style-type: none"> Final biological evaluations of three chemicals' (chlorpyrifos, diazinon, and malathion) impacts on endangered species (1/18/17). Because these pesticides are used widely it was found that they 'may affect' or are 'likely to adversely affect' a variety of species across multiple taxa. 	
EPA	Other	Pesticides, Drinking Water	<ul style="list-style-type: none"> Updated list of human health benchmarks for pesticides in drinking water (1/18/17). EPA posted an update of benchmark values for public drinking water systems to determine if the levels of pesticides present in water samples may pose a risk to human health. 	
EPA	Enforcement Actions	CAA	<ul style="list-style-type: none"> EPA Notification - Fiat Chrysler of Clean Air Act Violations for alleged violations of the Clean Air Act. Violations include installing and failing to disclose engine management software with 3.0 liter diesel engines sold in the United States. 	
EPA	Enforcement Actions	Proposed Consent Decree	<ul style="list-style-type: none"> Volkswagen Settlement. On January 10th, EPA and Volkswagen released a negotiated draft settlement with U.S. authorities over the company's diesel emissions scandal. Criminal 	

			and Civil fines related to this settlement could total \$4.3 billion.	
EPA	Regulatory Action	Underground Injection Control	State of Kentucky Underground Injection Control (UIC) Class II Program: Primacy Approval: Delayed until 3/21/2017. FR Document Numbers 2016-25931 (2017-01822)	
EPA	Regulatory Action	Municipal Solid Waste	Determination of Full Program Adequacy of Washington Municipal Solid Waste Landfill Permit Program: Delayed until 3/21/2017. FR Document Numbers 2016-26754 (2017-01822)	
EPA	Regulatory Action	Emission Standards	Formaldehyde Emission Standards for Composite Wood Products: Delayed until 3/21/2017. FR Document Numbers 2016-27987 (2017-01822)	
EPA	Regulatory Action	Biomass Fuel Standards	Renewable Fuel Standard Program: Standards for 2017 and Biomass-Based Diesel Volume for 2018: Delayed until 3/21/2017. FR Document Numbers 2016-28879 (2017-01822)	
EPA	Regulatory Action	Fine Particulate Matter Standards	Determination of Attainment of the 2012 Annual Fine Particulate Matter Standard: Pennsylvania; Delaware County Nonattainment Area: Delayed until 3/21/2017. FR Document Numbers 2016-29751 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Air Plan Approval: Michigan; Part 9 Miscellaneous Rules: Delayed until 3/21/2017. FR Document Numbers 2016-30195 (2017-01822)	
EPA	Regulatory Action	Air Quality	Determination of Attainment of the 2008 Ozone National Ambient Air Quality Standards: Mariposa County, California: Delayed until 3/21/2017. FR Document Numbers 2016-30477 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Louisiana; Redesignation of Baton Rouge 2008 8-Hour Ozone Nonattainment Area to Attainment: Delayed until 3/21/2017. FR Document Numbers 2016-30776 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Air Plan Approval: Wisconsin; Infrastructure SIP Requirements for the 2012 PM2.5 NAAQS: Delayed until 3/21/2017. FR Document Numbers 2016-31017 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: New York Prevention of Significant Deterioration of Air Quality and	

			Nonattainment New Source Review; Infrastructure State Implementation Plan Requirements: Delayed until 3/21/2017. FR Document Numbers 2016-31018 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Air Plan Approval: KY; RACM Determination for the KY Portion of the Louisville Area 1997 Annual PM2.5: Delayed until 3/21/2017. FR Document Numbers 2016-31023 (2017-01822)	
EPA	Regulatory Action	Pollution Plans	National Oil and Hazardous Substances Pollution Contingency Plan: National Priorities List: Partial Deletion of the North Penn Area 6 Superfund Site: Delayed until 3/21/2017. FR Document Numbers 2016-31032 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval of California Air Plan Revisions, Great Basin Unified Air Pollution Control District: Delayed until 3/21/2017. FR Document Numbers 2016-31225 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval of California Air Plan Revisions, South Coast Air Quality Management District: Delayed until 3/21/2017. FR Document Numbers 2016-31226 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Air Plan Approval: Illinois; Volatile Organic Compounds Definition: Delayed until 3/21/2017. FR Document Numbers 2016-31227 (2017-01822)	
EPA	Regulatory Action	Underground Injection Control	State of Kentucky Underground Injection Control (UIC) Class II Program: Primacy Approval: Delayed until 3/21/2017. FR Document Numbers 2016-31268 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: Louisiana; State Boards: Delayed until 3/21/2017. FR Document Numbers 2016-31332 (2017-01822)	
EPA	Regulatory Action	Emission Standards	Revisions to National Emission Standards for Radon Emissions from Operating Mill Tailings: Delayed until 3/21/2017. FR Document Numbers 2016-31425 (2017-01822)	
EPA	Regulatory Action	CAA Risk Management	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act: Delayed until 3/21/2017. FR Document Numbers 2016-31426 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: Rhode Island; Clean Air Act Infrastructure State and Federal Implementation Plans: Delayed until	

			3/21/2017. FR Document Numbers 2016-31444 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval of Arizona Air Plan Revisions: Ajo and Morenci, Arizona; Second 10-Year Sulfur Dioxide Maintenance Plans and Technical Correction: Delayed until 3/21/2017. FR Document Numbers 2016-31637 (2017-01822)	
EPA	Regulatory Action	Civil Penalties	Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits: Procedures for Decisionmaking: Delayed until 3/21/2017. FR Document Numbers 2016-31638 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Partial Approval and Partial Disapproval of Attainment Plan for the Idaho Portion of the Logan, Utah/Idaho PM2.5 Nonattainment Area: Delayed until 3/21/2017. FR Document Numbers 2016-31643 (2017-01822)	
EPA	Regulatory Action	Air Quality	Revisions to the Guideline on Air Quality Models: Enhancements to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter: Delayed until 3/21/2017. FR Document Numbers 2016-31747 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Air Plan Approval: Georgia: Procedures for Testing and Monitoring Sources of Air Pollutants: Delayed until 3/21/2017. FR Document Numbers 2016-31753 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: Texas; Control of Air Pollution from Visible Emissions and Particulate Matter: Delayed until 3/21/2017. FR Document Numbers 2017-00087 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Approval and Promulgation of Implementation Plans: Alabama; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard: Delayed until 3/21/2017. FR Document Numbers 2017-00159 (2017-01822)	
EPA	Regulatory Action	State Implementation Plans	Air Plan Approval: TN Infrastructure Requirements for the 2010 NO2 NAAQS: Delayed until 3/21/2017. FR Document Numbers 2017-00161 (2017-01822)	

EPA	Regulatory Action	Particulate Matter Sources	Revisions to Procedure 2-Quality Assurance Requirements for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources: Published 11/21/2016 and scheduled to become effective on 2/21/2017. FR Document Number 2016-27849	
DOD, EPA	Regulatory Action	Discharge Standards	Uniform National Discharge Standards for Vessels of the Armed Forces: Phase II Batch One: Delayed until 3/21/2017. FR Document Numbers 2017-00153 (2017-02594)	

Charlie Dankert
EOP / OMB BEACHHEAD

(c) Ex. 6 - Personal Privacy

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Hockey, David
Sent: Thur 8/10/2017 6:43:20 PM
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Yes, just giving Barnes till 3:00. Jen and Meridith are waiting patiently.

From: Sasseville, Sonya
Sent: Thursday, August 10, 2017 2:42 PM
To: Hockey, David <Hockey.David@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

From: Hockey, David
Sent: Thursday, August 10, 2017 2:37 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Without bracketed language, what I'll send forward by 3:00pm.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Sasseville, Sonya
Sent: Thursday, August 10, 2017 2:30 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Oops. Rob or anyone, please reply to this one. I was attempting to loop Barbara in. Thanks.

From: Sasseville, Sonya
Sent: Thursday, August 10, 2017 2:29 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 2:19 PM
To: Hockey, David <Hockey.David@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>;

Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles

<openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

How about this?

- ☐☐☐☐☐☐☐☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Attorney Client, Deliberative Process

Also adding back in Allison Holden in OGC/CRFLO, who got dropped off of the chain. Also noticed Barbara Foster got dropped off, don't know whether she should review too.

-R

From: Hockey, David

Sent: Thursday, August 10, 2017 1:34 PM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Salyer, Kathleen

<Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn
<Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies
Capability/Impact Statements

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Thursday, August 10, 2017 1:32 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hockey, David
<Hockey.David@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J
<huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles
<openchowski.charles@epa.gov>
Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies
Capability/Impact Statements

Good. Let's go with this approach.

Sent from my iPhone

On Aug 10, 2017, at 1:27 PM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Ex. 5 - Deliberative Process

- ☐☐☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Stachowiak, Robert

Sent: Thursday, August 10, 2017 1:09 PM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>

Cc: Hockey, David <Hockey.David@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>

Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Attorney Client, Deliberative Process

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Aug 10, 2017, at 12:52 PM, Johnson, Barnes <Johnson.Barnes@epa.gov> wrote:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sent from my iPhone

On Aug 10, 2017, at 12:34 PM, Hockey, David <Hockey.David@epa.gov> wrote:

From Rob --

From: Stachowiak, Robert

Sent: Thursday, August 10, 2017 12:34 PM

To: Hockey, David <Hockey.David@epa.gov>

Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave -

Ex. 5 - Attorney Client, Deliberative Process

Let me know if I can be of further assistance. After today, please contact Charles, who will be covering for me while I'm

Ex. 6 - Personal Privacy

-R

From: Hockey, David
Sent: Thursday, August 10, 2017 11:18 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Please OK or edit

Ex. 5 - Deliberative Process

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 10:59 AM
To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave —

Ex. 5 - Attorney Client, Deliberative Process

I would be happy to work with OLEM and OCIR if you want to suggest an alternative response, or alternative language.

Hope this helps.

-R

Bill Language:

- ☐☐☐☐☐☐☐☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Attorney Client, Deliberative Process

From: Hockey, David
Sent: Thursday, August 10, 2017 9:08 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Dave

703-308-8846

From: Hockey, David
Sent: Thursday, August 10, 2017 8:51 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Barnes – Lynn and I called Jen and talked about this language. She now understands your point and recommended a very straight forward response, see below.

Sonya – can your folks

Ex. 5 - Deliberative Process

Due ASAP obviously.

Dave

Bill Language:

- **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

From: Johnson, Barnes

Sent: Wednesday, August 09, 2017 8:20 PM

To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>

Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meredith <Sebring.Meredith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Attorney Work Product

Sent from my iPhone

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Aug 9, 2017, at 6:04 PM, Wilbur, Jennifer <Wilbur.Jennifer@epa.gov> wrote:

Ex. 5 - Attorney Work Product, Deliberative Process

From: Johnson, Barnes
Sent: Wednesday, August 09, 2017 6:02 PM
To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

No, not yet it slipped through the cracks on this end. We are working on it,

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov | [@EPALand](#)

From: Wilbur, Jennifer

Sent: Wednesday, August 09, 2017 5:52 PM

To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Did you send the 108b language??? I'm sorry – I searched, I'm tired, and too many things....

From: Wilbur, Jennifer

Sent: Wednesday, August 02, 2017 1:47 PM

To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>

Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Importance: High

ORCR,

This is a request for a capability/impact statement for language potentially in the Senate Approps Subcommittee report and bill language. By Friday, COB, please complete the attached template.

Report Language:

•☐☐☐☐☐☐ (OLEM) Anaerobic Digesters. -The Committee recommends \$5,000,000 for public entities to demonstrate community anaerobic digester applications to municipal solid waste streams and farm needs such as capturing excess phosphorus. Priority shall be given to projects in states that have enacted statewide laws requiring the diversion of all food scraps and similar organic waste from municipal solid waste streams within a proscribed schedule.

Bill Language:

•☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

From: Budget and Planning

Sent: Tuesday, August 01, 2017 3:46 PM

To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>

Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Volin.Phyllis@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

Subject: FY 2018 Senate Subcommittee on the Interior, Environment, and

Related Agencies Capability/Impact Statements

Senior Budget Officers,

Attached please find the official guidance for submitting responses to the request to provide capability/impact statements to the Senate Subcommittee on the Interior, Environment, and Related Agencies. Thank you in advance for having begun the work and for your collaboration as we work through the review and approval process. If you have any questions, please contact your Media Analyst.

Thank you,

Office of Budget/BFCS Formulation Team

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Johnson, Barnes
Sent: Thur 8/10/2017 6:30:59 PM
Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process Thanks!

Sent from my iPhone

On Aug 10, 2017, at 2:29 PM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 2:19 PM
To: Hockey, David <Hockey.David@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

How about this?

•☐☐☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Atty-Client, Deliberative Process

Ex. 5 - Attorney Client, Deliberative Process

Also adding back in Allison Holden in OGC/CRFLO, who got dropped off of the chain. Also noticed Barbara Foster got dropped off, don't know whether she should review too.

-R

From: Hockey, David
Sent: Thursday, August 10, 2017 1:34 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Thursday, August 10, 2017 1:32 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Good. Let's go with this approach.

Sent from my iPhone

On Aug 10, 2017, at 1:27 PM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Ex. 5 - Deliberative Process

- ☐☐☐☐☐☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

From: Stachowiak, Robert

Sent: Thursday, August 10, 2017 1:09 PM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>

Cc: Hockey, David <Hockey.David@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>

Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Attorney Client, Deliberative Process

Ex. 5 - Attorney Client, Deliberative Process

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Aug 10, 2017, at 12:52 PM, Johnson, Barnes <Johnson.Barnes@epa.gov> wrote:

Ex. 5 - Deliberative Process

On Aug 10, 2017, at 12:34 PM, Hockey, David <Hockey.David@epa.gov> wrote:

From Rob --

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 12:34 PM
To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave -

Just to memorialize our conversation earlier -

Ex. 5 - Attorney Client, Deliberative Process

Let me know if I can be of further assistance. After today, please contact Charles, who will be covering for me while I'm **Ex. 6 - Personal Privacy**

-R

From: Hockey, David

Sent: Thursday, August 10, 2017 11:18 AM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Please OK or edit

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Stachowiak, Robert
Sent: Thursday, August 10, 2017 10:59 AM
To: Hockey, David <Hockey.David@epa.gov>
Cc: Openchowski, Charles <openchowski.charles@epa.gov>; Holden, Allison <Holden.Allison@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Hi Dave –

Ex. 5 - Attorney Client, Deliberative Process

I would be happy to work with OLEM and OCIR if you want to suggest an alternative response, or alternative language.

Hope this helps.

-R

Bill Language:

- ☐☐☐☐☐☐☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Attorney Client, Deliberative Process

From: Hockey, David

Sent: Thursday, August 10, 2017 9:08 AM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Dave

703-308-8846

From: Hockey, David
Sent: Thursday, August 10, 2017 8:51 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Sonya – can your folks add

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Due ASAP obviously.

Dave

Bill Language:

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

From: Johnson, Barnes

Sent: Wednesday, August 09, 2017 8:20 PM

To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>

Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J
<huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>;

Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim

<Atkinson.Ephraim@epa.gov>; Mullins, Marissa

<Mullins.Marissa@epa.gov>; Harwood, Jackie

<Harwood.Jackie@epa.gov>; Sasseville, Sonya

<Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>;

Foster, Barbara <Foster.Barbara@epa.gov>

Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment,
and Related Agencies Capability/Impact Statements

Ex. 5 - Attorney Client, Deliberative Process

Sent from my iPhone

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Aug 9, 2017, at 6:04 PM, Wilbur, Jennifer <Wilbur.Jennifer@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Johnson, Barnes

Sent: Wednesday, August 09, 2017 6:02 PM

To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel
703-308-8895 | johnson.barnes@epa.gov | [@EPAland](#)

From: Wilbur, Jennifer
Sent: Wednesday, August 09, 2017 5:52 PM
To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Did you send the 108b language??? I'm sorry – I searched, I'm tired, and too many things....

From: Wilbur, Jennifer
Sent: Wednesday, August 02, 2017 1:47 PM
To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements
Importance: High

ORCR,

This is a request for a capability/impact statement for language potentially in the Senate Approps Subcommittee report and bill language. By Friday, COB, please complete the attached template.

Report Language:

•**OLEM** Anaerobic Digesters. -The Committee recommends \$5,000,000 for public entities to demonstrate community anaerobic digester applications to municipal solid waste streams and farm needs such as capturing excess phosphorus. Priority shall be given to projects in states that have enacted statewide laws requiring the diversion of all food scraps and similar organic waste from municipal solid waste streams within a proscribed schedule.

Bill Language:

•**OLEM** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

From: Budget and Planning

Sent: Tuesday, August 01, 2017 3:46 PM

To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>

Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Volin.Phyllis@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

Subject: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Senior Budget Officers,

Attached please find the official guidance for submitting responses to the request to provide capability/impact statements

to the Senate Subcommittee on the Interior, Environment, and Related Agencies. Thank you in advance for having begun the work and for your collaboration as we work through the review and approval process. If you have any questions, please contact your Media Analyst.

Thank you,

Office of Budget/BFCS Formulation Team

To: Devlin, Betsy[Devlin.Betsy@epa.gov]; Elliott, Ross[Elliott.Ross@epa.gov]; Behan, Frank[Behan.Frank@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Kelly, PatrickM[Kelly.PatrickM@epa.gov]
From: Foster, Barbara
Sent: Thur 3/9/2017 6:19:48 PM
Subject: 108(b) hardrock mining rule materials
[Reductions TSD EPA-HQ-SFUND-2015-0781-0304.pdf](#)
[Impacts of mines subgroup 5.docx](#)
[Reductions Subgroup 6.docx](#)

Betsy, Ross, and Frank,

Ex. 5 - Deliberative Process

Please let me know if you have any questions or if you need any additional information.

Thanks you!

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
Cc: Jefferson, Tricia[Jefferson.Tricia@epa.gov]; Maher, Lauren[Maher.Lauren@epa.gov]
From: Stachowiak, Robert
Sent: Thur 11/3/2016 1:33:33 AM
Subject: FW: question on tribal consultation

Hi Sonya –

Ex. 5 - Attorney Client, Deliberative Process

Thanks to Lauren and Tricia for their help here.

From: Jefferson, Tricia
Sent: Wednesday, November 02, 2016 4:25 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: question on tribal consultation

Hi Rob,

Ex. 5 - Attorney Work Product , Deliberative Process

Tricia Jefferson

Office of General Counsel

U.S. EPA

202.564.6628

From: Maher, Lauren
Sent: Wednesday, November 02, 2016 3:32 PM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Jefferson, Tricia <Jefferson.Tricia@epa.gov>
Subject: RE: question on tribal consultation

Hi Rob,

Ex. 5 - Attorney Work Product, Deliberative Process

Lauren Maher

Attorney Advisor

Cross-Cutting Issues Law Office

Office of General Counsel

U.S. Environmental Protection Agency

202-564-9888

maher.lauren@epa.gov

From: Stachowiak, Robert

Sent: Tuesday, November 01, 2016 2:40 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: FW: question on tribal consultation

Thoughts?

From: Sasseville, Sonya
Sent: Tuesday, November 01, 2016 8:48 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: question on tribal consultation

Ex. 5 - Deliberative Process

Sonya Sasseville

Director, Program Implementation and Information Division

Office of Resource Conservation and Recovery/OLEM

U.S. Environmental Protection Agency

(703) 308-8648

Message

From: Johnson, Barnes [Johnson.Barnes@epa.gov]
Sent: 1/30/2017 4:47:47 PM
To: Mattick, Richard [Mattick.Richard@epa.gov]
CC: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Will do. I just spoke with Barry about this.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

From: Mattick, Richard
Sent: Monday, January 30, 2017 11:21 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf
Importance: High

Hi Barnes,

I hope all is well with you.

I am back from my 2.5 year detail at OIRA and the lead now for 108b in the FO. Please let me know if there is anything specific I can help you with on this or coordinate for you. At a minimum, please keep me looped in during the development of the one-pager.

Thanks,

Rich

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.
Don

From: Schnare, David
Sent: Monday, January 30, 2017 9:11 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process There already exists substantial supporting comments (pre-proposal) from mining regulators association, the Western governors and NMA and AE&MA.

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.
Sent: Monday, January 23, 2017 4:36 PM
To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)
Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

Message

From: Mattick, Richard [Mattick.Richard@epa.gov]
Sent: 1/30/2017 4:20:55 PM
To: Johnson, Barnes [Johnson.Barnes@epa.gov]
CC: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Importance: High

Hi Barnes,

I hope all is well with you.

I am back from my 2.5 year detail at OIRA and the lead now for 108b in the FO. Please let me know if there is anything specific I can help you with on this or coordinate for you. At a minimum, please keep me looped in during the development of the one-pager.

Thanks,

Rich

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.

Don

From: Schnare, David
Sent: Monday, January 30, 2017 9:11 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process There already exists substantial supporting comments (pre-proposal) from mining regulators association, the Western governors and NMA and AE&MA.

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.
Sent: Monday, January 23, 2017 4:36 PM
To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)
Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Guernica, Mimi
Sent: Tue 11/1/2016 1:50:45 PM
Subject: Re: Need your help -- FW: DRAFT for REVIEW: Second Round Tribal Consultation Letter

Ex. 5 - Deliberative Process

Sent from my iPhone

On Nov 1, 2016, at 8:48 AM, Sasseville, Sonya <Sasseville.Sonya@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Barr, Linda
Sent: Monday, October 31, 2016 9:05 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Krueger, Anna <Krueger.Anna@epa.gov>; Hawkins, Tonya <Hawkins.Tonya@epa.gov>; Roy, Denise <Roy.Denise@epa.gov>; Katonica, Kim <Katonica.Kim@epa.gov>; Wilson, Michaelle <Wilson.Michaelle@epa.gov>; Guernica, Mimi <Guernica.Mimi@epa.gov>
Subject: DRAFT for REVIEW: Second Round Tribal Consultation Letter

Good morning,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Linda

<CERCLA 108(b) Tribal Consultation and Coordination 10 31 16.docx>

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
From: Sasseville, Sonya
Sent: Thur 11/30/2017 11:51:49 PM
Subject: FYI - FW: OIRA comments
CLEAN 108b Final Rule Nov 29 2017 jl.docx

Forwarding the OMB comments I mentioned in case you are interested.

-----Original Message-----

From: Noggle, William
Sent: Thursday, November 30, 2017 4:15 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: FW: OIRA comments

Barbara,
Attached are some comments from Jim on yesterday's version.

Thanks,
Bill

-----Original Message-----

From: Rojas, Pablo EOP/OMB (Intern) [mailto:**Ex. 6 - Personal email**]
Sent: Thursday, November 30, 2017 3:52 PM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Jones, Danielle Y. EOP/OMB **Ex. 6 - Personal email**
Subject: OIRA comments

Bill -

See attached the OIRA comments on the latest draft of the rule. These are meant to be helpful, and we defer to EPA's judgment about whether any of these are appropriate or feasible to incorporate in the time that remains.

Thanks,
Pablo

From: Sasseville, Sonya
Location: DCRoomWest4144GCIVTCPolycom/OLEM
Importance: Normal
Subject: Fwd: Expedited FAR for CERCLA 108(b) Hardrock Mining Final Action
Start Date/Time: Wed 10/25/2017 7:00:00 PM
End Date/Time: Wed 10/25/2017 8:00:00 PM
CERCLA Hardrock Mining Final Action FAR doc Oct-20-2017 .docx
ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>
To: "Farber, Glenn" <Farber.Glenn@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Kulpan, Bruce" <Kulpan.Bruce@epa.gov>, "Luzacky, Hollis" <Luzacky.Hollis@epa.gov>, "Hanley, Jim" <Hanley.James@epa.gov>, "Naftz, Douglas" <Naftz.Douglas@epa.gov>, "Hillenbrand, John" <Hillenbrand.John@epa.gov>, "Geselbracht, Jeanne" <Geselbracht.Jeanne@epa.gov>, "McGrath, Patricia" <mcgrath.patricia@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Barr, Pamela" <Barr.Pamela@epa.gov>, "Foster, Barbara" <Foster.Barbara@epa.gov>, "Mattick, Richard" <Mattick.Richard@epa.gov>, "Jutras, Nathaniel" <Jutras.Nathaniel@epa.gov>
Cc: "Miles-McLean, Stuart" <Miles-McLean.Stuart@epa.gov>, "Boyle, Kathryn" <Boyle.Kathryn@epa.gov>, "Simons, Andrew" <Simons.Andrew@epa.gov>, "Koslow, Karin" <Koslow.Karin@epa.gov>, "Bartlett, Keith" <Bartlett.Keith@epa.gov>, "Tyler, Kendra" <Tyler.Kendra@epa.gov>, "Young, Margo" <Young.Margo@epa.gov>, "Meltzer, Kathy" <Meltzer.Kathy@EPA.GOV>, "Moore, Sonya" <Moore.Sonya@epa.gov>, "Zull, Aaron" <zull.aaron@epa.gov>, "Morales, Monica" <Morales.Monica@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Owens, Nicole" <Owens.Nicole@epa.gov>, "Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Noggle, William" <Noggle.William@epa.gov>
Subject: Expedited FAR for CERCLA 108(b) Hardrock Mining Final Action

Conference call info:

Ex. 6 - Conference Code

code: Ex. 6 - Conference Code

We are distributing for your expedited final agency review an interim final draft of the CERCLA 108(b) Hard Rock Mining Final Rulemaking. We are on an extremely tight schedule for this review---as you may recall, we have a judicial deadline for signature of December 1, 2017 and we must allow time for an expedited 30-day OMB Interagency Review of the rulemaking.

Ex. 5 - Deliberative Process

Please send comments to Gerain Cogliano and Richard Mattick with a cc to Barbara Foster as soon as possible, but no later than Wednesday October 25th by COB.

At the FAR meeting, the position of each AA-ship/Region will be requested for this rulemaking. The AA/RA or delegated representative may take one of the following positions:

- If an AA-ship/Region has minor, non-substantive comments, it may concur without comment.
- If an AA-ship/Region has substantive comments, it may concur with comment.
- If an AA-ship/Region feels that a major issue remains unresolved (e.g., the action lacks legal authority or conflicts with other EPA rules or policies), it may non-concur. Non-concurrence indicates that the AA or RA objects to the action being forwarded to OMB.

The AA's/RA's position should be provided in writing by nlt the day of the FAR meeting, October 25th.

Each office/Region has a delegation of who can provide their formal, written responses. Here's the latest delegation: <http://intranet.epa.gov/adplibrary/documents/adpfardesignees-2016-07.pdf>.

The FAR formal written response (an email response is preferred) should be addressed to Nathaniel Jutras (with cc's to Barbara Foster, Richard Mattick, and Gerain Cogliano).

If you have any questions re this process, please contact either Richard Mattick or Gerain Cogliano at 202-566-1926 or 202-566-1929, respectively.

Workgroup Members:

OP-Glenn Farber

OGC-Rob Stachowiak

OECA-Bruce Kulpan/Hollis Luzecky

Region 8-Jim Hanley/Doug Naftz

Region 9-John Hillenbrand/Jeanne Geselbracht

Region 10-Patty McGrath

To: sasseville1@[REDACTED] **Ex. 6 - Personal email**
From: Sasseville, Sonya
Sent: Sun 11/26/2017 8:24:03 PM
Subject: Final Action Federal Register Notice 39_CLEAN ss comm.DOCX
Final Action Federal Register Notice 39_CLEAN ss comm.DOCX

To: sasseville1 **Ex. 6 - Personal email**
From: Sasseville, Sonya
Sent: Sat 11/25/2017 7:10:12 PM
Subject: Final Action Federal Register Notice 39_CLEAN.DOCX
Final Action Federal Register Notice 39_CLEAN.DOCX

To: sasseyville1@ Ex. 6 - Personal email
From: Sasseyville, Sonya
Sent: Sat 11/25/2017 7:06:00 PM
Subject: Final Action Federal Register Notice 39_REDLINE.DOCX
Final Action Federal Register Notice 39_REDLINE.DOCX

Message

From: Sasseville, Sonya [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9302BD775FA84BEBB0C430316F76C6-SSASSEVI]
Sent: 11/22/2017 8:45:57 PM
To: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Subject: Fwd: 108(b) - 2nd round comments
Attachments: SBA_2nd Round Comments Nov_21_2017.docx; ATT00001.htm; Forest Service_2nd Round Comments Nov_21_2017.docx; ATT00002.htm; Jodie_OMB_2nd Round Comments Nov_21_2017.docx; ATT00003.htm

Sent from my iPhone

Begin forwarded message:

From: "Noggle, William" <Noggle.William@epa.gov>
Date: November 21, 2017 at 12:28:29 PM EST
To: "Brown, Byron" <brown.byron@epa.gov>, "Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Foster, Barbara" <Foster.Barbara@epa.gov>, "Mattick, Richard" <Mattick.Richard@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Darwin, Veronica" <darwin.veronica@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Farber, Glenn" <Farber.Glenn@epa.gov>
Subject: 108(b) - 2nd round comments

To all –

Attached are the 2nd round comments we've received thus far. The purpose of the 1pm call today is to gather DOJ's 2nd round comments, which they won't send in writing.

Ex. 5 - Deliberative Process

Thanks,
Bill
202-566-1306

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Sasseville, Sonya
Sent: Wed 11/22/2017 8:45:38 PM
Subject: Fwd: 108(b) - 2nd round comments and immediate next steps
SBA 2nd Round Comments Nov 21 2017.docx
ATT00001.htm
Forest Service 2nd Round Comments Nov 21 2017.docx
ATT00002.htm
Jodie OMB 2nd Round Comments Nov 21 2017.docx
ATT00003.htm
Jim and Pablo OMB 2nd Round Comments Nov 21 2017.docx
ATT00004.htm

Sent from my iPhone

Begin forwarded message:

From: "Noggle, William" <Noggle.William@epa.gov>
Date: November 22, 2017 at 9:24:38 AM EST
To: "Brown, Byron" <brown.byron@epa.gov>, "Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Foster, Barbara" <Foster.Barbara@epa.gov>, "Mattick, Richard" <Mattick.Richard@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Darwin, Veronica" <darwin.veronica@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>, "Stachowiak, Robert" <Stachowiak.Robert@epa.gov>, "Farber, Glenn" <Farber.Glenn@epa.gov>
Subject: FW: 108(b) - 2nd round comments and immediate next steps

To all –

Attached are all the 2nd round comments **Ex. 5 - Deliberative Process** Here is the proposed schedule to deliver the next draft to OMB by noon on Monday:

- By Friday morning, Barbara and Rob will incorporate changes addressing 2nd round comments into the rule, **Ex. 5 - Deliberative Process**
- **Ex. 5 - Deliberative Process**
- NEED all EPA people to review the draft rule and send comments to Barbara, Rob, and me NLT 9am Monday morning (but preferably by COB on Friday).
- Barbara and Rob will address all EPA edits/comments by noon on Monday morning.

Byron, Veronica,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Barbara should be able to get you a standalone doc by Friday morning, but if you would like Barbara et al to review, could you send us (Barbara, Rob, me) **Ex. 5 - Deliberative Process** by 9am Friday morning?

Thanks,

Bill

202-566-1306

From: Noggle, William

Sent: Tuesday, November 21, 2017 12:28 PM

To: Brown, Byron <brown.byron@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>

Subject: 108(b) - 2nd round comments

To all –

Attached are the 2nd round comments we've received thus far.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,

Bill

202-566-1306

Message

From: Sasseville, Sonya [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9302BD775FA84BEBB0C430316F76C6-SSASSEVI]
Sent: 11/15/2017 10:36:02 PM
To: Johnson, Barnes [Johnson.Barnes@epa.gov]
Subject: FW: Draft of DOJ legal argument
Attachments: EO12866_FinancialResponsibilityRequirementsHardrockMiningIndustry_RIN2050-AG61_FinalRule_2017Nov1 DOJ suggested legal argument 11.14.17 151pm.docx

From: Foster, Barbara
Sent: Tuesday, November 14, 2017 3:33 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: FW: Draft of DOJ legal argument

FYI

From: Stachowiak, Robert
Sent: Tuesday, November 14, 2017 2:08 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>
Subject: RE: Draft of DOJ legal argument

Attorney-client communication
Deliberative process privileged

Hi Barbara —

Attached is a draft incorporating the new legal argument from DOJ. John is still reviewing. (JM — this is an update from the version I sent yesterday evening.)

For your reference, my take on this argument is thus:

Ex. 5 - Attorney Client/Deliberative Process/Atty work product

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
From: Sasseville, Sonya
Sent: Wed 11/15/2017 8:35:51 PM
Subject: FW: edits
Cercla 108-OMB draft-EPA edits-111517.docx

FYI. (Barbara sent to Mark **Ex. 5 - Deliberative Process**)

From: Foster, Barbara
Sent: Wednesday, November 15, 2017 12:35 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: FW: edits

From: Brown, Byron
Sent: Wednesday, November 15, 2017 12:16 PM
To: Noggle, William <Noggle.William@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Darwin, Veronica <darwin.veronica@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: edits

Hi Bill and Barbara – attached are some edits. **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process I am attaching what I have so far. **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process I will keep sending in batches as I am able to.

Thanks.

Byron R. Brown

Deputy Chief of Staff for Policy

Office of the Administrator

U.S. Environmental Protection Agency

Message

From: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Sent: 4/27/2017 4:24:33 AM
To: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Subject: FW: April 27 2017 ASTSWMO Mid-Year Meeting CERCLA 108b_ak.docx
Attachments: April 27 2017 ASTSWMO Mid-Year Meeting CERCLA 108b_ak LB.docx

Sent from my Windows Phone

From: Barr, Linda
Sent: 4/21/2017 3:18 PM
To: Foster, Barbara; Sasseville, Sonya; Krueger, Anna
Subject: Re: April 27 2017 ASTSWMO Mid-Year Meeting CERCLA 108b_ak.docx

Attached is a clean version of the ASTSWMO talking points, with one comment - **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process See comment in document.

From: Foster, Barbara
Sent: Friday, April 21, 2017 8:32:20 AM
To: Sasseville, Sonya; Krueger, Anna
Cc: Barr, Linda
Subject: Re: April 27 2017 ASTSWMO Mid-Year Meeting CERCLA 108b_ak.docx

Rob plans to comment today as well.

From: Sasseville, Sonya
Sent: Thursday, April 20, 2017 5:05 PM
To: Krueger, Anna
Cc: Foster, Barbara; Barr, Linda
Subject: April 27 2017 ASTSWMO Mid-Year Meeting CERCLA 108b_ak.docx

Anna, here are my rough comments. If you are able to address them, great, but if you are out for the week, I can manage – I will be presenting, and will be modifying (and probably shortening) them as I present. Thanks!

Message

From: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
Sent: 11/22/2016 10:05:14 PM
To: Chang, Patrick [Chang.Patrick@epa.gov]
Subject: FW: Additional Classes Notice for OMB
Attachments: Additional Classes notice 11-22-2016 redline.docx; Additional Classes notice 11-22-2016.docx

Just wanted to check since I am not fully caught up after being out. Had you review this revised notice?

Sent from my Windows Phone

From: Noggle, William
Sent: 11/22/2016 4:53 PM
To: Sasseville, Sonya; Vyas, Peggy
Subject: RE: Additional Classes Notice for OMB

Peggy, Sonya,
I made the change. Is this good to go to Danielle?

Thanks,
Bill

From: Sasseville, Sonya
Sent: Tuesday, November 22, 2016 4:36 PM
To: Vyas, Peggy <Vyas.Peggy@epa.gov>; Noggle, William <Noggle.William@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>
Subject: RE: Additional Classes Notice for OMB

Sorry, I may be too late – just catching up after being out of the office. I tend to think that the following revised sentence should be modified –

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Vyas, Peggy
Sent: Tuesday, November 22, 2016 3:27 PM
To: Noggle, William <Noggle.William@epa.gov>
Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: Additional Classes Notice for OMB

Bill, the attached version of the Additional Classes notice incorporates changes based on the Inter Agency Review comments we received, as well as incorporates the language (with minor changes from us) that we received from Danielle. The signature block has been changed from Mathy to Gina (per Gerain). I've also attached a redline version. Please let me know if you have any questions.

Peggy Vyas
703-308-5477

Message

From: Schnare, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96FC79D4007541A69E8B3CF57F6E13B0-SCHNARE, DA]
Sent: 1/30/2017 1:56:56 PM
To: Kenny, Shannon [Kenny.Shannon@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf
Attachments: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process There already exists substantial supporting comments (pre-proposal) from mining regulators association, the Western governors and NMA and AE&MA.

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.
Sent: Monday, January 23, 2017 4:36 PM
To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)
Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: Huff, Mark J[huff.markj@epa.gov]
Cc: Shimeles, Taetaye[Shimeles.Taetaye@epa.gov]
From: Hofmann, Lee
Sent: Fri 3/17/2017 7:26:05 PM
Subject: FW: Options for modifying the hrm rule 20 Attachment 5 notes on Barnes's input.docx
Options for modifying the hrm rule 20 Attachment 5 notes on Barnes's input.docx

Mark,

Ex. 5 - Deliberative Process

Sonya is meeting with Barnes at 3:30 today. I am reluctant to send any numbers forward without your seeing them. I suggested to Sonya that they forward the written material to Barry and then follow up with the quantitative numbers on Monday.

How do you feel? You can call me at 703-308- 8479.

Thanks,

Lee

Elizabeth Lee Hofmann, Ph.D., D.A.B.T.
Chief, Economics and Risk Analysis Staff
Program Management, Communications,
and Analysis Office
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Mail Code 5305P
Washington, D.C. 20460-001

Phone: 703-308-8479

Fax: 703-308-7904

Delivery Address:
South Tower, Potomac Yards
2777 Crystal Drive
Arlington, VA 22202

From: Sasseville, Sonya

Sent: Friday, March 17, 2017 2:01 PM

To: Hofmann, Lee <Hofmann.Lee@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>

Cc: Foster, Barbara <Foster.Barbara@epa.gov>

Subject: Options for modifying the hrm rule 20 Attachment 5 notes on Barnes's input.docx

Taetaye, per our discussion, here are my rough notes from discussion with Barnes. Please let us know whether or not developing the numbers for new Example 3 is doable today, or how long it would take, and we can check with Barnes. Barbara, please chime in with any additions or corrections. Thanks.

Message

From: Shimeles, Taetaye [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=96913B49304240C08EFAD40F5B380F4E-SHIMELES, TAETAYE]
Sent: 3/17/2017 9:18:28 PM
To: Hofmann, Lee [Hofmann.Lee@epa.gov]; MarkJ Huff [Huff.MarkJ@epa.gov]
Subject: RE: revisions to table
Attachments: Options for modifying the hrm rule 20 Attachment 5 notes on Barnes's input.docx

Hi both,

Attached the revised table showing:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sonya asked for this revision after meeting Barnes earlier today.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I guess we can discuss that on Monday.

Taetaye Shimeles
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
Phone: 703-308-8729
E-mail: shimeles.taetaye@epa.gov



From: Hofmann, Lee
Sent: Friday, March 17, 2017 4:09 PM
To: Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Subject: FW: revisions to table

Elizabeth Lee Hofmann, Ph.D., D.A.B.T.
Chief, Economics and Risk Analysis Staff
Program Management, Communications,
and Analysis Office
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Mail Code 5305P

Washington, D.C. 20460-001

Phone: 703-308-8479

Fax: 703-308-7904

Delivery Address:

South Tower, Potomac Yards

2777 Crystal Drive

Arlington, VA 22202

From: Johnson, Barnes

Sent: Friday, March 17, 2017 4:08 PM

To: Hofmann, Lee <Hofmann.Lee@epa.gov>

Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Subject: RE: revisions to table

This is fine. Thanks for focusing on this.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |

johnson.barnes@epa.gov | [@EPAland](#)

From: Hofmann, Lee

Sent: Friday, March 17, 2017 4:07 PM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>

Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Subject: revisions to table

Barnes,

Ex. 5 - Deliberative Process

Thanks,

Lee

Elizabeth Lee Hofmann, Ph.D., D.A.B.T.

Chief, Economics and Risk Analysis Staff

Program Management, Communications,
and Analysis Office

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

1200 Pennsylvania Ave NW

Mail Code 5305P

Washington, D.C. 20460-001

Phone: 703-308-8479

Fax: 703-308-7904

Delivery Address:

South Tower, Potomac Yards

2777 Crystal Drive

Arlington, VA 22202

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Hockey, David
Sent: Thur 8/10/2017 1:08:09 PM
Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Dave

703-308-8846

From: Hockey, David
Sent: Thursday, August 10, 2017 8:51 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Barnes – Lynn and I called Jen and talked about this language. She now understands your point and recommended a very straight forward response, see below.

Sonya – can your folks add

Ex. 5 - Deliberative Process

Due ASAP obviously.

Dave

Bill Language:

- ☐☐☐☐☐☐☐☐ **(OLEM)** None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

Ex. 5 - Deliberative Process

From: Johnson, Barnes

Sent: Wednesday, August 09, 2017 8:20 PM

To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>

Cc: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: Re: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Ex. 5 - Deliberative Process

Sent from my iPhone

On Aug 9, 2017, at 6:04 PM, Wilbur, Jennifer <Wilbur.Jennifer@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Johnson, Barnes

Sent: Wednesday, August 09, 2017 6:02 PM

To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meredith <Sebring.Meredith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

No, not yet it slipped through the cracks on this end. We are working on it,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](https://twitter.com/EPAland)

From: Wilbur, Jennifer

Sent: Wednesday, August 09, 2017 5:52 PM

To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meredith <Sebring.Meredith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>

Subject: RE: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Did you send the 108b language??? I'm sorry – I searched, I'm tired, and too many things....

From: Wilbur, Jennifer

Sent: Wednesday, August 02, 2017 1:47 PM

To: Beasley, Lynn <Beasley.Lynn@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Cc: Johnson, Barnes <Johnson.Barnes@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Sebring, Meridith <Sebring.Meridith@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Mullins, Marissa <Mullins.Marissa@epa.gov>; Harwood, Jackie <Harwood.Jackie@epa.gov>

Subject: FW: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Importance: High

ORCR,

This is a request for a capability/impact statement for language potentially in the Senate Approps Subcommittee report and bill language. By Friday, COB, please complete the attached template.

Report Language:

•☐☐☐☐☐☐☐☐ (OLEM) Anaerobic Digesters. -The Committee recommends \$5,000,000 for public entities to demonstrate community anaerobic digester applications to municipal solid waste streams and farm needs such as capturing excess phosphorus. Priority shall be given to projects in states that have enacted statewide laws requiring the diversion of all food scraps and similar organic waste from municipal solid waste streams within a proscribed schedule.

Bill Language:

•☐☐☐☐☐☐☐☐ (OLEM) None of the funds made available by this act or any other act may be used to finalize, implement, enforce or administer EPA's proposed rule published on Jan.11, 2017, at 82 Fed. Reg. 3388.

From: Budget and Planning

Sent: Tuesday, August 01, 2017 3:46 PM

To: OCFO-SBO <OCFOSBO@epa.gov>; OCFO-SBO-STAFF
<OCFOSBOSTAFF@epa.gov>

Cc: Baden, Beth <Baden.Beth@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Beg, Gul <Beg.Gul@epa.gov>; Ripley, Laura <Ripley.Laura@epa.gov>; Volin, Phyllis <Volin.Phyllis@epa.gov>; Terris, Carol <Terris.Carol@epa.gov>; Williams, Maria <Williams.Maria@epa.gov>; Walsh, Ed <Walsh.Ed@epa.gov>; OCFO-OB-Media Analysts <OCFOOBMedia_Analysts@epa.gov>

Subject: FY 2018 Senate Subcommittee on the Interior, Environment, and Related Agencies Capability/Impact Statements

Senior Budget Officers,

Attached please find the official guidance for submitting responses to the request to provide capability/impact statements to the Senate Subcommittee on the Interior, Environment, and Related Agencies. Thank you in advance for having begun the work and for your collaboration as we work through the review and approval process. If you have any questions, please contact your Media Analyst.

Thank you,

Office of Budget/BFCS Formulation Team

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]
From: Brooks, Becky
Sent: Tue 7/11/2017 12:39:09 PM
Subject: RE: CERCLA 108(b) Hardrock Mining Rule - dial in [Ex. 6 - Conference Code] code [Ex. 6 - Conference Code]

Hi Rob – We are moving this meeting to July 20 at 3:00. Enjoy your time away.

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Stachowiak, Robert
Sent: Friday, July 07, 2017 4:08 PM
To: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: RE: CERCLA 108(b) Hardrock Mining Rule - dial in [Ex. 6 - Conference Code] code [Ex. 6 - Conference Code]
[Ex. 6 - Conference Code]

Hi Becky and Nick –

I don't know how much flexibility you have on scheduling this, but I'm going to be out of the country on the 17th and so won't make the current date/time. John Michaud can cover for OGC/SWERLO that day, but he suggested that I check with you in case it can be moved. I should be around in the rest of that week if that helps.

Thanks!

-Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

-----Original Appointment-----

From: Breen, Barry

Sent: Tuesday, June 27, 2017 12:05 PM

To: Breen, Barry; Davis, Patrick; Simon, Nigel; Brown, Byron; Fotouhi, David; Fonseca, Silvina; Johnson, Barnes; Sasseville, Sonya; Stachowiak, Robert; Hostage, Barbara; Hilosky, Nick; Brooks, Becky; Michaud, John; Rees, Sarah; Foster, Barbara; Huff, Mark J; Nickerson, William; Cogliano, Gerain

Cc: Bolen, Brittany

Subject: CERCLA 108(b) Hardrock Mining Rule - dial in: Ex. 6 - Conference Code code Ex. 6 - Conference Code

When: Monday, July 17, 2017 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: 3146 WJC West

POC: Becky Brooks - 566-2762

Caroline Kenely - 566-2235 (scheduler)

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Lewis, Jen
Sent: Thur 12/1/2016 11:11:34 PM
Subject: Re: 108(b) - SBREFA Panel late hold up

Thanks Rob; very succinct description and most importantly gives the bottom line advice.

Jen Lewis
Deputy Associate General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

On Dec 1, 2016, at 6:09 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Attorney-client communication

Deliberative process privileged

Hi Avi –

I'm writing to give you a heads-up.

Ex. 5 - Attorney Client, Deliberative Process

Ex. 5 - Attorney Client, Deliberative Process

Please let me know if want to discuss further. John and Jen are available by phone as well.

Thanks,

Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Barr, Linda
Sent: Thursday, December 01, 2016 5:09 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Fw: Sorry about this addition - but Advocacy recommendation; Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

PANEL REPORT ADDITION

FYI - Forwarding follow up from Charley.

From: Maresca, Charles A. <Charles.Maresca@sba.gov>
Sent: Thursday, December 1, 2016 5:06 PM
To: Jones, Danielle Y. EOP/OMB; kevin.bromberg@sba.gov; Laity, Jim A. EOP/OMB; Wiggins, Lanelle; Barr, Linda; Sasseville, Sonya
Cc: McManus, Michael J.; Nickerson, William

Subject: RE: Sorry about this addition - but Advocacy recommendation **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

PANEL REPORT ADDITION

Danielle,

Ex. 5 - Deliberative Process

Sincerely,

Charley

From: Jones, Danielle Y. EOP/OMB [mailto:] **Ex. 6 - Personal Privacy**

Sent: Thursday, December 01, 2016 4:45 PM

To: Bromberg, Kevin L.; Laity, Jim A. EOP/OMB; Wiggins, Lanelle; Barr, Linda; Sasseville, Sonya (Sasseville.Sonya@epa.gov)

Cc: McManus, Michael J.; Maresca, Charles A.; Nickerson, William

Subject: RE: Sorry about this addition - but Advocacy recommendation **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

PANEL REPORT ADDITION

Importance: High

Kevin,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Best,

Danielle

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy**

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]

Sent: Thursday, December 1, 2016 4:34 PM

To: Jones, Danielle Y. EOP/OMB <[redacted] **Ex. 6 - Personal Privacy** [redacted] Laity, Jim A.

EOP/OMB <[redacted] **Ex. 6 - Personal Privacy** [redacted]; Wiggins, Lanellë
<Wiggins.Lanellë@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>; Sasseville, Sonya
(Sasseville.Sonya@epa.gov) <Sasseville.Sonya@epa.gov>

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Maresca, Charles A.
<Charles.Maresca@sba.gov>; DePriest, Darryl L. <Darryl.DePriest@sba.gov>

Subject: RE: Sorry about this addition - but Advocacy recommendation **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

PANEL REPORT ADDITION

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sorry about the delay.

From: Bromberg, Kevin L.

Sent: Thursday, December 01, 2016 4:26 PM

To: [redacted] **Ex. 6 - Personal Privacy** [redacted]; Wiggins, Lanellë; Barr, Linda;
Sasseville, Sonya (Sasseville.Sonya@epa.gov)

Cc: McManus, Michael J.; Maresca, Charles A.; DePriest, Darryl L.

Subject: Sorry about this addition - but Advocacy recommendation **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

PANEL REPORT ADDITION

LAST FULL PARAGRAPH IN ADVOCACY RECOMMENDATIONS:

Ex. 5 - Deliberative Process

My apologies for this revision

Kevin

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Chang, Patrick
Sent: Wed 11/30/2016 4:01:47 PM
Subject: RE: This OK with you?

Just editorial changes in redline/strikeout below. Given the urgency, if you feel it's not worth doing, that's fine.

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

From: Stachowiak, Robert
Sent: Wednesday, November 30, 2016 10:50 AM
To: Chang, Patrick <Chang.Patrick@epa.gov>
Subject: This OK with you?
Importance: High

Attorney-client communication

Deliberative process privileged

Last chance for changes

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

[1] Id. at 37218.

[2] See 75 FR 816.

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Lewis, Jen
Sent: Fri 12/2/2016 1:53:57 PM
Subject: RE: 108(b) QsAs and web site language

Ex. 5 - Attorney-Client/Deliberative Process

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

From: Stachowiak, Robert
Sent: Friday, December 02, 2016 8:50 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: 108(b) QsAs and web site language

Thank you!

From: Lewis, Jen
Sent: Friday, December 02, 2016 8:48 AM
To: Chang, Patrick <Chang.Patrick@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) QsAs and web site language

Rob is looking at the Q&As right now and working as fast as he can. I understand the urgency here since you are already getting press inquiries,

Ex. 5 - Attorney-Client/Deliberative Process

Please give Rob a little time to get this review done – I promise he works quickly!

Jen

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

From: Chang, Patrick

Sent: Friday, December 02, 2016 8:22 AM

To: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>

Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: 108(b) QsAs and web site language

Please see redline/strikeout of the Q/A on the additional classes notice below. Note that I'm

Ex. 5 - Attorney-Client/Deliberative Process

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

From: Ames, Jeremy

Sent: Friday, December 02, 2016 8:10 AM

To: Lowery, Brigid <Lowery.Brigid@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>

Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: 108(b) QsAs and web site language

Here are the rest of the QAs:

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358

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From: Lowery, Brigid
Sent: Friday, December 02, 2016 7:57 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Stachowiak, Robert

<Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick
<Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta
<Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy
<Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya
<Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: RE: 108(b) QsAs and web site language

Thanks Jen. Jeremy is the keeper of the Q/A but

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

From: Lewis, Jen
Sent: Friday, December 02, 2016 7:53 AM
To: Lowery, Brigid <Lowery.Brigid@epa.gov>
Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Re: 108(b) QsAs and web site language

Can you send the Q&As? I know Rob has them but it would help to have them on this email in case I need to pitch in. Thanks.

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

On Dec 2, 2016, at 7:46 AM, Lowery, Brigid <Lowery.Brigid@epa.gov> wrote:

Thanks Jeremy. Rob and Pat, What is your estimate for any comments on Q/A?

From: Ames, Jeremy
Sent: Friday, December 02, 2016 6:42 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>
Subject: RE: 108(b) QsAs and web site language

Ex. 5 - Attorney-Client/Deliberative Process

Let me know when the QAs have cleared and we'll do our test to edit in a timely manner.

Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358

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From: Stachowiak, Robert
Sent: Friday, December 02, 2016 12:37 AM
To: Lowery, Brigid <Lowery.Brigid@epa.gov>
Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) QsAs and web site language

OK -

Ex. 5 - Attorney-Client/Deliberative Process

-R

From: Lowery, Brigid

Sent: Thursday, December 01, 2016 11:13 PM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>

Subject: Re: 108(b) QsAs and web site language

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

I think what is remaining is the q/a. We really want to get it posted as early as possible in the morning because we expect a lot of questions. As you know we were hoping for 8:30 posting. What is a reasonable timeframe for you to review the q/a?

Sent from my iPhone

On Dec 1, 2016, at 10:39 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Jeremy –

Thanks for reminding me about the Q and As being linked-to from the web page. I was focused so far on the web site language. I have been consumed with other last-minute things getting the rule preamble/SBREFA report done, so I have not had the time to review these communications materials.

Ex. 5 - Attorney-Client/Deliberative Process

-R

From: Ames, Jeremy

Sent: Thursday, December 01, 2016 10:25 PM

To: Lowery, Brigid <Lowery.Brigid@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>

Subject: RE: 108(b) QsAs and web site language

Rob,

I shared all the QAs with you when I transmitted the web language. They are now on the draft site as well as the SharePoint document we shared. I can hold off on posting the QA page in the morning until reviewed, but we really need pens down on this. With respect,

Ex. 5 - Attorney-Client/Deliberative Process

Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358

Follow us [@EPALand](#)

From: Lowery, Brigid
Sent: Thursday, December 01, 2016 10:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: Re: 108(b) QsAs and web site language

Hmmm. Jeremy, Can you send Rob the version you have? I can send what Matt gave me but not sure they are the latest

Sent from my iPhone

On Dec 1, 2016, at 10:07 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

OK that sounds good. So far I don't have any Qs and As.

From: Lowery, Brigid

Sent: Thursday, December 01, 2016 10:05 PM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>

Subject: Re: 108(b) QsAs and web site language

My understanding is OGC had received these already and was sending in comments. I think Jeremy has the most recent. We can post the ones you've cleared and hold off on others to give you time to review.

Sent from my iPhone

On Dec 1, 2016, at 9:55 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi Brigid and Jeremy –

Ex. 5 - Attorney Client, Deliberative Process

Thanks,
Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Lowery, Brigid
Sent: Thursday, December 01, 2016 7:15 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Subject: Note change to press release RE: Final drafts of 108(b) comm.s materials

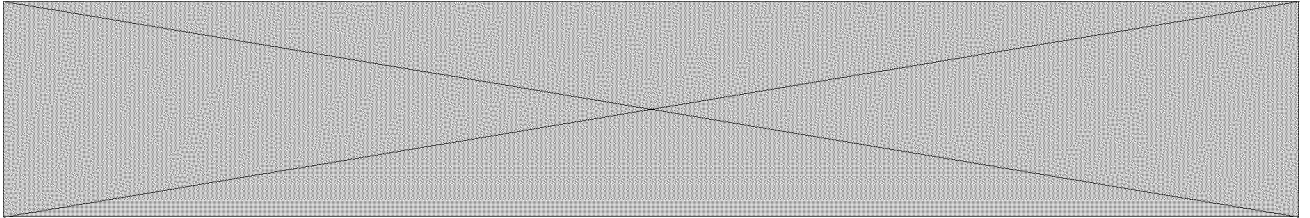
Christie,

Some changes from OGC which are consistent with changes Randy made to the desk statement. I've highlighted them in yellow and there is a strikeout – all in the 7th paragraph.

From: StClair, Christie
Sent: Thursday, December 01, 2016 5:44 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Final drafts of 108(b) comm.s materials

PREVIEW

Subject: EPA Proposes Financial Responsibility Requirements for Hardrock Mining Industry



CONTACT:
Christie St. Clair
(202) 564-2880
Stclair.christie@epa.gov

FOR IMMEDIATE RELEASE
December 1, 2016

Ex. 5 - Attorney-Client/Deliberative Process

Ex. 5 - Attorney-Client/Deliberative Process

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: **Ex. 6 - Personal Privacy**

From: StClair, Christie

Sent: Thursday, December 01, 2016 5:29 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Final drafts of 108(b) comm.s materials

Update attached. I'll start loading it up.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: **Ex. 6 - Personal Privacy**

From: Grantham, Nancy
Sent: Thursday, December 01, 2016 5:26 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Final drafts of 108(b) comm.s materials

Ex. 5 - Deliberative Process

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy (mobile)

From: StClair, Christie

Sent: Thursday, December 01, 2016 4:59 PM

To: Deitz, Randy <Deitz.Randy@epa.gov>; Grantham, Nancy
<Grantham.Nancy@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent
<Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew
<colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Subject: RE: Final drafts of 108(b) comm.s materials

Not "EPA proposes"?

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: **Ex. 6 - Personal Privacy**

From: Deitz, Randy
Sent: Thursday, December 01, 2016 4:58 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Final drafts of 108(b) comm.s materials

Ex. 5 - Attorney Client/Deliberative Process

Randy Deitz

Attorney Advisor

Communications, Partnerships, and Analysis Office (OCPA)

Office of Land and Emergency Management (OLEM)

(202) 566-0197

From: Grantham, Nancy
Sent: Thursday, December 01, 2016 4:57 PM
To: Deitz, Randy <Deitz.Randy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Final drafts of 108(b) comm.s materials

Ex. 5 - Deliberative Process

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy (mobile)

From: Deitz, Randy

Sent: Thursday, December 01, 2016 4:56 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie
<StClair.Christie@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent
<Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew
<colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Subject: Final drafts of 108(b) comm.s materials

These reflect our discussion from the 3:30 call and OGC edits.

Randy Deitz

Attorney Advisor

Communications, Partnerships, and Analysis Office (OCPA)

Office of Land and Emergency Management (OLEM)

(202) 566-0197

To: Lewis, Jen[Lewis.Jen@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Chang, Patrick[Chang.Patrick@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]
From: Lowery, Brigid
Sent: Fri 12/2/2016 1:30:54 PM
Subject: how close are you to providing comments?

I need to make a call to ORCR and OPA on posting

From: Chang, Patrick
Sent: Friday, December 02, 2016 8:22 AM
To: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) QsAs and web site language

Please see redline/strikeout of the Q/A on the additional classes notice below. Note that I'm

Ex. 5 - Attorney Client/Deliberative Process

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

From: Ames, Jeremy
Sent: Friday, December 02, 2016 8:10 AM
To: Lowery, Brigid <Lowery.Brigid@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) QsAs and web site language

Here are the rest of the QAs:

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358

Follow us [@EPALand](#)

From: Lowery, Brigid
Sent: Friday, December 02, 2016 7:57 AM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) QsAs and web site language

Thanks Jen. Jeremy is the keeper of the Q/A but I believe this is the latest with a q/a below that Mathy wanted.

Ex. 5 - Attorney Client/Deliberative Process

From: Lewis, Jen

Sent: Friday, December 02, 2016 7:53 AM

To: Lowery, Brigid <Lowery.Brigid@epa.gov>

Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy

<Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya
<Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Re: 108(b) QsAs and web site language

Can you send the Q&As? I know Rob has them but it would help to have them on this email in case I need to pitch in. Thanks.

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

On Dec 2, 2016, at 7:46 AM, Lowery, Brigid <Lowery.Brigid@epa.gov> wrote:

Thanks Jeremy. Rob and Pat, What is your estimate for any comments on Q/A?

From: Ames, Jeremy

Sent: Friday, December 02, 2016 6:42 AM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Lowery, Brigid
<Lowery.Brigid@epa.gov>

Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang,
Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman,
Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham,
Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville,
Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Harman,
Greta <Harman.Greta@epa.gov>

Subject: RE: 108(b) QsAs and web site language

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358

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From: Stachowiak, Robert
Sent: Friday, December 02, 2016 12:37 AM
To: Lowery, Brigid <Lowery.Brigid@epa.gov>
Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: 108(b) QsAs and web site language

OK -

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

-R

From: Lowery, Brigid

Sent: Thursday, December 01, 2016 11:13 PM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>

Subject: Re: 108(b) QsAs and web site language

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

I think what is remaining is the q/a. We really want to get it posted as early as possible in the morning because we expect a lot of questions. As you know we were hoping for 8:30 posting. What is a reasonable timeframe for you to review the q/a?

Sent from my iPhone

On Dec 1, 2016, at 10:39 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Jeremy –

Thanks for reminding me about the Q and As being linked-to from the web page. I was focused so far on the web site language. I have been consumed with other last-minute things getting the rule preamble/SBREFA report done, so I have not had the time to review these communications materials.

Ex. 5 - Attorney Client/Deliberative Process

-R

From: Ames, Jeremy

Sent: Thursday, December 01, 2016 10:25 PM

To: Lowery, Brigid <Lowery.Brigid@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>

Subject: RE: 108(b) QsAs and web site language

Rob,

I shared all the QAs with you when I transmitted the web language. They are now on the draft site as well as the SharePoint document we shared. I can hold off on posting the QA page in the morning until reviewed, but we really need pens down on this. With respect,

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Jeremy

Jeremy Ames, Chief
Communications Services Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
(703) 347-0358

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From: Lowery, Brigid
Sent: Thursday, December 01, 2016 10:14 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: Re: 108(b) QsAs and web site language

Hmmm. Jeremy, Can you send Rob the version you have? I can send what Matt gave me but not sure they are the latest

Sent from my iPhone

On Dec 1, 2016, at 10:07 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

OK that sounds good. So far I don't have any Qs and As.

From: Lowery, Brigid

Sent: Thursday, December 01, 2016 10:05 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Ames, Jeremy <Ames.Jeremy@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Michaud,

John <Michaud.John@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>

Subject: Re: 108(b) QsAs and web site language

My understanding is OGC had received these already and was sending in comments. I think Jeremy has the most recent. We can post the ones you've cleared and hold off on others to give you time to review.

Sent from my iPhone

On Dec 1, 2016, at 9:55 PM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi Brigid and Jeremy –

Ex. 5 - Deliberative Process

Thanks,
Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

From: Lowery, Brigid
Sent: Thursday, December 01, 2016 7:15 PM
To: StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; ORCR Press <ORCR_Press@epa.gov>
Subject: Note change to press release RE: Final drafts of 108(b) comm.s materials

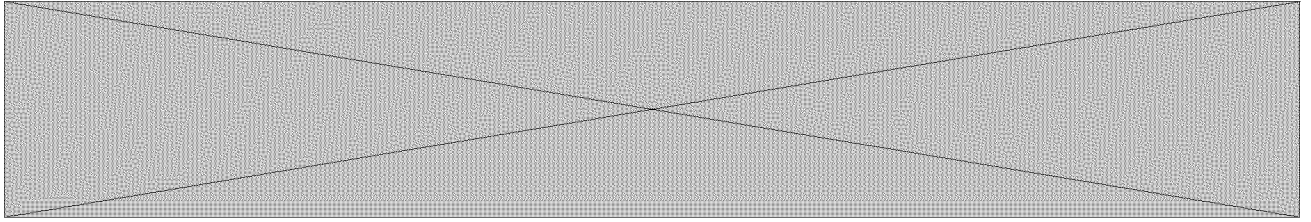
Christie,

Some changes from OGC which are consistent with changes Randy made to the desk statement. I've highlighted them in yellow and there is a strikeout – all in the 7th paragraph.

From: StClair, Christie
Sent: Thursday, December 01, 2016 5:44 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Final drafts of 108(b) comm.s materials

PREVIEW

Subject: EPA Proposes Financial Responsibility Requirements for Hardrock Mining Industry



CONTACT:

Christie St. Clair

(202) 564-2880

Stclair.christie@epa.gov

FOR IMMEDIATE RELEASE

December 1, 2016

Ex. 5 - Attorney Client/Deliberative Process

Ex. 5 - Attorney Client/Deliberative Process

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m:

Ex. 6 - Personal Privacy

From: StClair, Christie

Sent: Thursday, December 01, 2016 5:29 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Subject: RE: Final drafts of 108(b) comm.s materials

Update attached. I'll start loading it up.

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 2 **Ex. 6 - Personal Privacy**

From: Grantham, Nancy

Sent: Thursday, December 01, 2016 5:26 PM

To: StClair, Christie <StClair.Christie@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Subject: RE: Final drafts of 108(b) comm.s materials

Ex. 5 - Deliberative Process

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy (mobile)

From: StClair, Christie

Sent: Thursday, December 01, 2016 4:59 PM

To: Deitz, Randy <Deitz.Randy@epa.gov>; Grantham, Nancy
<Grantham.Nancy@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent
<Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew
<colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Subject: RE: Final drafts of 108(b) comm.s materials

Ex. 5 - Deliberative Process

Christie St. Clair

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: Ex. 6 - Personal Privacy

From: Deitz, Randy

Sent: Thursday, December 01, 2016 4:58 PM

To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie
<StClair.Christie@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent

<Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew
<colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Final drafts of 108(b) comm.s materials

Ex. 5 - Deliberative Process

Randy Deitz

Attorney Advisor

Communications, Partnerships, and Analysis Office (OCPA)

Office of Land and Emergency Management (OLEM)

(202) 566-0197

From: Grantham, Nancy

Sent: Thursday, December 01, 2016 4:57 PM

To: Deitz, Randy <Deitz.Randy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent
<Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew
<colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Subject: RE: Final drafts of 108(b) comm.s materials

Ex. 5 - Deliberative Process

Nancy Grantham

Office of Public Affairs

US Environmental Protection Agency

202-564-6879 (desk)

Ex. 6 - Personal Privacy

(mobile)

From: Deitz, Randy
Sent: Thursday, December 01, 2016 4:56 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; StClair, Christie <StClair.Christie@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Final drafts of 108(b) comm.s materials

These reflect our discussion from the 3:30 call and OGC edits.

Randy Deitz

Attorney Advisor

Communications, Partnerships, and Analysis Office (OCPA)

Office of Land and Emergency Management (OLEM)

(202) 566-0197

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Chang, Patrick
Sent: Tue 11/29/2016 4:38:11 PM
Subject: DOJ cmts on AC notice

Hi Rob,

DOJ has a few edits on the AC notice, all of which

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

This shows DOJ's edits:

Ex. 5 - Attorney Client

This shows my suggested alternatives:

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

Thanks.

Patrick S. Chang

US EPA, Office of General Counsel, Solid Waste & Emergency Response Law Office

202/564-1528 (office); 202/564-5416 (fax)

To: Maher, Lauren[Maher.Lauren@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Jefferson, Tricia
Sent: Wed 11/2/2016 8:24:34 PM
Subject: RE: question on tribal consultation

Hi Rob,

Ex. 5 - Attorney Work Product, Deliberative Process

Tricia Jefferson

Office of General Counsel

U.S. EPA

202.564.6628

From: Maher, Lauren
Sent: Wednesday, November 02, 2016 3:32 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Jefferson, Tricia <Jefferson.Tricia@epa.gov>
Subject: RE: question on tribal consultation

Hi Rob,

Ex. 5 - Attorney Work Product, Deliberative Process

Lauren Maher

Attorney Advisor

Cross-Cutting Issues Law Office

Office of General Counsel

U.S. Environmental Protection Agency

202-564-9888

maher.lauren@epa.gov

From: Stachowiak, Robert

Sent: Tuesday, November 01, 2016 2:40 PM

To: Maher, Lauren <Maher.Lauren@epa.gov>

Subject: FW: question on tribal consultation

Thoughts?

From: Sasseville, Sonya

Sent: Tuesday, November 01, 2016 8:48 AM

To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Subject: question on tribal consultation

Ex. 5 - Deliberative Process

Sonya Sasseville

Director, Program Implementation and Information Division

Office of Resource Conservation and Recovery/OLEM

U.S. Environmental Protection Agency

(703) 308-8648

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Jefferson, Tricia[Jefferson.Tricia@epa.gov]
From: Maher, Lauren
Sent: Wed 11/2/2016 7:32:27 PM
Subject: RE: question on tribal consultation

Hi Rob,

Ex. 5 - Attorney Work Product, Deliberative Process

Lauren Maher

Attorney Advisor

Cross-Cutting Issues Law Office

Office of General Counsel

U.S. Environmental Protection Agency

202-564-9888

maher.lauren@epa.gov

From: Stachowiak, Robert

Sent: Tuesday, November 01, 2016 2:40 PM
To: Maher, Lauren <Maher.Lauren@epa.gov>
Subject: FW: question on tribal consultation

Thoughts?

From: Sasseville, Sonya
Sent: Tuesday, November 01, 2016 8:48 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: question on tribal consultation

Ex. 5 - Deliberative Process

Sonya Sasseville

Director, Program Implementation and Information Division

Office of Resource Conservation and Recovery/OLEM

U.S. Environmental Protection Agency

(703) 308-8648

Message

From: Stachowiak, Robert [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2710013BD33A44AB823C8E6D9B94275A-RSTACHOW]
Sent: 5/22/2017 2:39:39 PM
To: Luzecky, Hollis [Luzecky.Hollis@epa.gov]
Subject: RE: Need by 10:30am today -- 108b talking points - RE: State Meeting



From: Luzecky, Hollis
Sent: Monday, May 22, 2017 10:28 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Chang, Patrick <Chang.Patrick@epa.gov>
Subject: RE: Need by 10:30am today -- 108b talking points - RE: State Meeting

Thanks Rob. And thanks for catching the 2018 typo!

*Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217*

From: Stachowiak, Robert
Sent: Monday, May 22, 2017 10:23 AM
To: Luzecky, Hollis <Luzecky.Hollis@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Chang, Patrick <Chang.Patrick@epa.gov>
Subject: RE: Need by 10:30am today -- 108b talking points - RE: State Meeting

Ex. 5 - Deliberative Process and Attorney Client

Ex. 5 - Deliberative Process and Attorney Client

From: Luzecky, Hollis
Sent: Monday, May 22, 2017 9:46 AM
To: Foster, Barbara <Foster.Barbara@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: Need by 10:30am today -- 108b talking points - RE: State Meeting
Importance: High

I have been asked to draft some talking points for an R4 state meeting ASAP. Since OLEM is the lead and I don't know exactly what the state of play is right now I'm keeping this brief. Please let me know if I need to change anything or if you have any helpful info that I can add. Maybe you already have some talking points that you can share?
Thanks.

- (Note: OLEM is the lead on the rule.)
- The CERCLA 108(b) financial responsibility rule for hardrock mining and mineral processing facilities was submitted to the Federal Register for proposal on December 1, 2016.
- It was published in the Federal Register on January 11, 2017.
- In general, the rule proposes requirements for demonstrating financial responsibility and the maintaining instruments, and establishes criteria for being released from these requirements.
- In addition, this proposal would establish specific financial responsibility requirements applicable to certain classes of mines and associated mineral processing facilities within the hardrock mining industry.
- EPA held two public webinars in January 2017 regarding the proposed rule.
- The comment period was extended an additional 120 days to July 11, 2017.
- Under a court order, the EPA must submit a final rule by December 1, 2018.
- A rule summary and additional information is available on EPA's website.

Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217

From: Patterson, Kenneth
Sent: Monday, May 22, 2017 9:04 AM
To: Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Luzecky, Hollis <Luzecky.Hollis@epa.gov>
Subject: Fwd: State Meeting

Bruce, Hollis: please take care of this ASAP.

Sent from my iPhone

Begin forwarded message:

From: "DeLeon, Rafael" <DeLeon.Rafael@epa.gov>
Date: May 22, 2017 at 8:57:43 AM EDT
To: "Healy, Helena" <Healy.Helena@epa.gov>, "Davis, Anita" <Davis.Anita@epa.gov>
Cc: "Previ, Caroline" <Previ.Caroline@epa.gov>, "Patterson, Kenneth" <Patterson.Kenneth@epa.gov>
Subject: RE: State Meeting

Ken

Helena needs your assistance. Please provide her the info she is requesting.

Sent from my Windows Phone

From: [Healy, Helena](#)
Sent: 5/21/2017 7:41 PM
To: [DeLeon, Rafael](#); [Davis, Anita](#)

Cc: [Previ, Caroline](#)

Subject: RE: State Meeting

Rafael – This is a Superfund State Directors meeting so Barnes is not attending. Do you want to assign someone to write me a few talking points regarding 108(b) status? Helena

From: DeLeon, Rafael

Sent: Sunday, May 21, 2017 7:59 AM

To: Davis, Anita <Davis.Anita@epa.gov>

Cc: Healy, Helena <Healy.Helena@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>

Subject: RE: State Meeting

Ok. Helena can remind folks of the comment period being extended. I don't remember the exact duration of the extension. It's public info.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hope this helps.

Sent from my Windows Phone

From: [Davis, Anita](#)

Sent: 5/20/2017 10:10 AM

To: [DeLeon, Rafael](#)

Cc: [Healy, Helena](#); [Previ, Caroline](#)

Subject: Re: State Meeting

I meant the plan to proceed was issued in December. The Region and our states would be interested in status and next steps if Hqs feels it appropriate. I didn't know the comment period was extended as an example.

Sent from my iPhone

On May 19, 2017, at 6:20 PM, DeLeon, Rafael <Deleon.Rafael@epa.gov> wrote:

I'm not sure what we're talking about here.

The 108 b rule was out for public comment. The public comment period was extended by this administration.

I don't know what guidance is being referenced.

Sent from my Windows Phone

From: [Davis, Anita](#)

Sent: 5/19/2017 4:42 PM

To: [Healy, Helena](#)

Cc: [DeLeon, Rafael](#); [Previ, Caroline](#)

Subject: RE: State Meeting

The public comment period on what? That was open last summer and it closed. I understood that the final guidance document was issued in December 2016 and that the guidance was slated for full implementation by 2017/18. Florida provided comments so it may come up.

From: Healy, Helena
Sent: Friday, May 19, 2017 3:48 PM
To: Davis, Anita <Davis.Anita@epa.gov>
Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
Subject: RE: State Meeting

Anita – I checked with Cyndy and the only thing going on right now with 108(b) is that it is out for public comment. Helena

From: Davis, Anita
Sent: Friday, May 19, 2017 2:32 PM
To: Healy, Helena <Healy.Helena@epa.gov>
Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
Subject: Re: State Meeting

Ok. Can you add 108(b) also

Sent from my iPhone

On May 18, 2017, at 2:59 PM, Healy, Helena <Healy.Helena@epa.gov> wrote:

I just met with Cyndy Mackey and she does not want me to do powerpoint slides for the presentation. I am just going to prepare very general talking points about accelerating cleanups and reuse.

To: Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Natarajan, Nitin[Natarajan.Nitin@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]
Cc: Lowery, Brigid[Lowery.Brigid@epa.gov]; Ames, Jeremy[Ames.Jeremy@epa.gov]; Harman, Greta[Harman.Greta@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Ortiz, Julia[Ortiz.Julia@epa.gov]; Orquina, Jessica[Orquina.Jessica@epa.gov]; Taylor, Trish[Taylor.Trish@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Akinnusotu, Bunmi[Akinnusotu.Bunmi@epa.gov]
From: Deitz, Randy
Sent: Tue 12/6/2016 10:12:42 PM
Subject: RE: Action/For Approval: 108 b blog

Thank you Mathy.

Ex. 5 - Deliberative Process

Randy Deitz

Attorney Advisor

Communications, Partnerships, and Analysis Office (OCPA)

Office of Land and Emergency Management (OLEM)

(202) 566-0197

From: Stanislaus, Mathy
Sent: Tuesday, December 06, 2016 5:06 PM
To: Colip, Matthew <colip.matthew@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>
Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>; Harman, Greta <Harman.Greta@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>
Subject: RE: Action/For Approval: 108 b blog

See slight adjustments

From: Colip, Matthew
Sent: Monday, December 05, 2016 6:23 PM
To: Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>;

Natarajan, Nitin <Natarajan.Nitin@epa.gov>; Johnson, Barnes <Johnson.Barnes@epa.gov>;
Brooks, Becky <Brooks.Becky@epa.gov>

Cc: Lowery, Brigid <Lowery.Brigid@epa.gov>; Ames, Jeremy <Ames.Jeremy@epa.gov>;
Harman, Greta <Harman.Greta@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Ortiz,
Julia <Ortiz.Julia@epa.gov>; Orquina, Jessica <Orquina.Jessica@epa.gov>; Taylor, Trish
<Taylor.Trish@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Hilosky, Nick
<Hilosky.Nick@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>

Subject: RE: Action/For Approval: 108 b blog

Mathy –

Ex. 5 - Deliberative Process

Thanks – Matt

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Cohen, Nancy
Sent: Monday, December 05, 2016 2:07 PM
To: Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>
Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Action/For Approval: 108 b blog

Mathy: here's the ORCR/OSRTI approved blog for your approval . . .

Thanks, nancy

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Natarajan, Nitin[Natarajan.Nitin@epa.gov]; Akinnusotu, Bunmi[Akinnusotu.Bunmi@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]; Taylor, Trish[Taylor.Trish@epa.gov]
From: Lowery, Brigid
Sent: Mon 12/5/2016 10:17:58 PM
Subject: Re: Action/For Approval: 108 b blog

Got it.

Sent from my iPhone

On Dec 5, 2016, at 5:08 PM, Stanislaus, Mathy <Stanislaus.Mathy@epa.gov> wrote:

Brigid – can you take lead on revisions.

From: Breen, Barry
Sent: Monday, December 05, 2016 5:06 PM
To: Deitz, Randy <Deitz.Randy@epa.gov>; Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>
Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Action/For Approval: 108 b blog

Ex. 5 - Deliberative Process

Barry

From: Deitz, Randy
Sent: Monday, December 05, 2016 4:10 PM
To: Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Natarajan, Nitin

<Natarajan.Nitin@epa.gov>

Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick
<Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid
<Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish
<Taylor.Trish@epa.gov>

Subject: RE: Action/For Approval: 108 b blog

Ex. 5 - Deliberative Process

Randy Deitz

Attorney Advisor

Communications, Partnerships, and Analysis Office (OCPA)

Office of Land and Emergency Management (OLEM)

(202) 566-0197

From: Stanislaus, Mathy

Sent: Monday, December 05, 2016 3:29 PM

To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>;
Natarajan, Nitin <Natarajan.Nitin@epa.gov>

Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick
<Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid
<Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish
<Taylor.Trish@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>

Subject: RE: Action/For Approval: 108 b blog

Ex. 5 - Deliberative Process

From: Cohen, Nancy

Sent: Monday, December 05, 2016 2:07 PM

To: Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>
Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Action/For Approval: 108 b blog

Mathy: here's the ORCR/OSRTI approved blog for your approval . . .

Thanks, nancy

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Natarajan, Nitin[Natarajan.Nitin@epa.gov]
Cc: Akinnusotu, Bunmi[Akinnusotu.Bunmi@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Lowery, Brigid[Lowery.Brigid@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]; Taylor, Trish[Taylor.Trish@epa.gov]
From: Deitz, Randy
Sent: Mon 12/5/2016 9:10:17 PM
Subject: RE: Action/For Approval: 108 b blog

Ex. 5 - Deliberative Process

Randy Deitz

Attorney Advisor

Communications, Partnerships, and Analysis Office (OCPA)

Office of Land and Emergency Management (OLEM)

(202) 566-0197

From: Stanislaus, Mathy
Sent: Monday, December 05, 2016 3:29 PM
To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>
Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>
Subject: RE: Action/For Approval: 108 b blog

Ex. 5 - Deliberative Process

From: Cohen, Nancy
Sent: Monday, December 05, 2016 2:07 PM

To: Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>;
Natarajan, Nitin <Natarajan.Nitin@epa.gov>
Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>;
Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip,
Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: Action/For Approval: 108 b blog

Mathy: here's the ORCR/OSRTI approved blog for your approval . . .

Thanks, nancy

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

10

Ex. 5 - Deliberative Process

Message

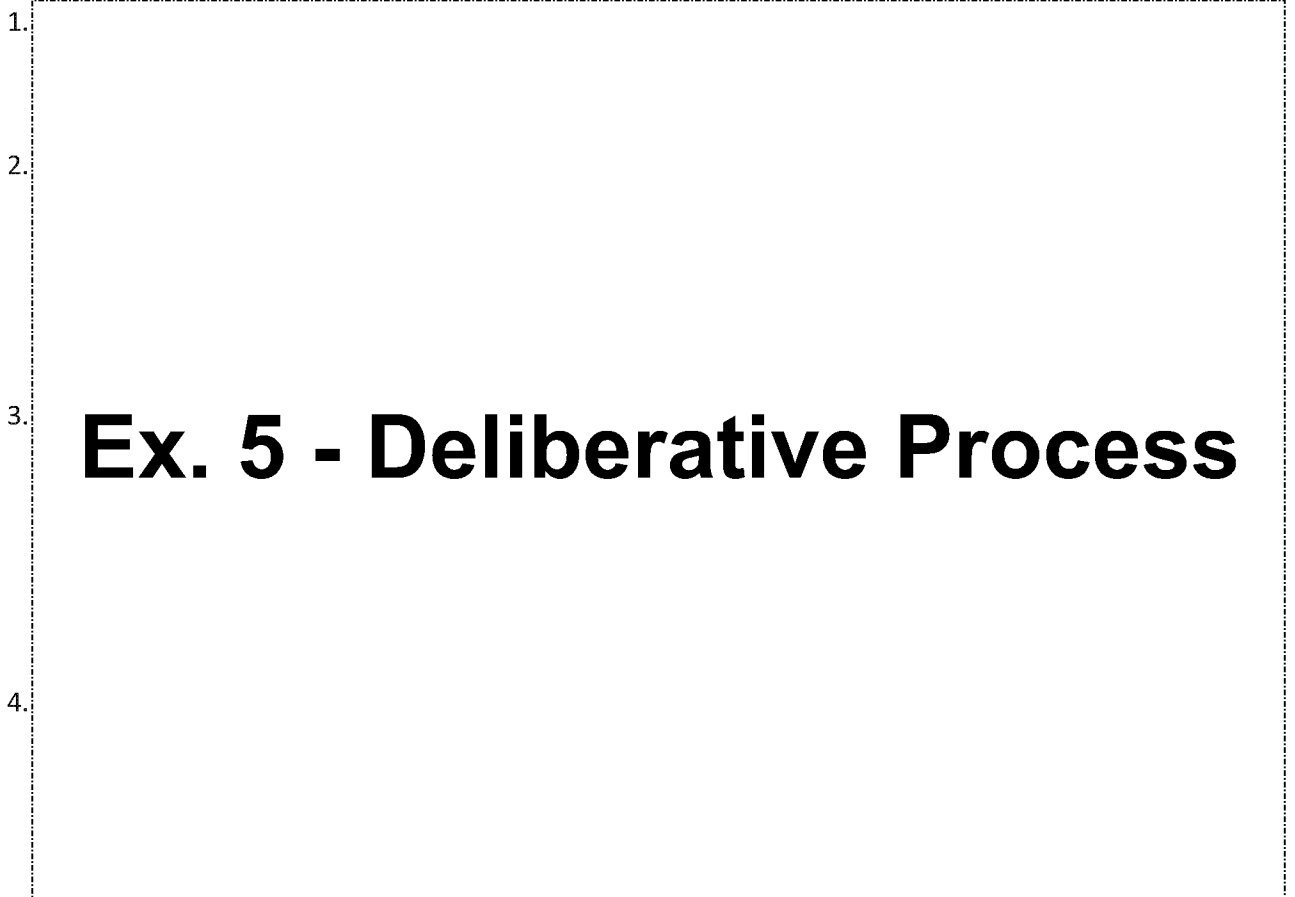
From: Lowery, Brigid [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DA8C8861510148A6BDCD084192758505-LOWERY, BRIGID]
Sent: 11/30/2016 4:02:02 PM
To: Stanislaus, Mathy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dac04cdccbc3429e9723fb871dfe781e-MStanisl]; Brooks, Becky [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6f369a2ef33e4a87af349210a3915a57-BBrooks]
Subject: Fwd: 108b materials
Attachments: PR_CERCLA 108b - CLEAN (rev 11.28.16).docx; ATT00001.htm; CP_CERCLA108b_Proposed Rule_CLEAN (rev 11.18.16).docx; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Lowery, Brigid" <Lowery.Brigid@epa.gov>
Date: November 29, 2016 at 6:29:50 PM EST
To: "StClair, Christie" <StClair.Christie@epa.gov>, "Ames, Jeremy" <Ames.Jeremy@epa.gov>, "Deitz, Randy" <Deitz.Randy@epa.gov>, "Colip, Matthew" <colip.matthew@epa.gov>, "Benjamin, Kent" <Benjamin.Kent@epa.gov>, "Taylor, Trish" <Taylor.Trish@epa.gov>
Cc: "Cohen, Nancy" <Cohen.Nancy@epa.gov>
Subject: 108b materials

Folks with Nancy out sick today(really bad cold) and I expect tomorrow, and people covering different aspects of this release I wanted to check on where things stand.



5.

Ex. 5 - Deliberative Process

To: Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Akinnusotu, Bunmi[Akinnusotu.Bunmi@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]
From: Johnson, Barnes
Sent: Tue 11/29/2016 9:52:07 PM
Subject: RE: 108(b) Update note to send to AO

Parenthetical added to the first sentence of the second paragraph.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Stanislaus, Mathy
Sent: Tuesday, November 29, 2016 3:37 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Breen, Barry <Breen.Barry@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: Re: 108(b) Update note to send to AO

Can you add reference to consent decree obligation regarding the three additional categories

Mathy Stanislaus

USEPA Assistant Administrator

Office of Land and Emergency Management

Follow us on Twitter [@EPALand](#)

On Nov 29, 2016, at 3:34 PM, Johnson, Barnes <Johnson.Barnes@epa.gov> wrote:

Mathy per your request, here is a note that you can use or modify and send up to AO regarding 108(b)

Dear Gina and Stan,

We spoke with Stan yesterday regarding a couple of issues related to 108(b).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

To: Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]
Cc: Akinnusotu, Bunmi[Akinnusotu.Bunmi@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]
From: Johnson, Barnes
Sent: Tue 11/29/2016 8:34:36 PM
Subject: 108(b) Update note to send to AO

Mathy per your request, here is a note that you can use or modify and send up to AO regarding 108(b)

Dear Gina and Stan,

We spoke with Stan yesterday regarding a couple of issues related to 108(b).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

To: Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]
Cc: Brooks, Becky[Brooks.Becky@epa.gov]; Akinnusotu, Bunmi[Akinnusotu.Bunmi@epa.gov]; Lowery, Brigid[Lowery.Brigid@epa.gov]; Benjamin, Kent[Benjamin.Kent@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]
From: Cohen, Nancy
Sent: Mon 11/28/2016 5:29:18 PM
Subject: RE: Revised Press Release and Comm Plan for 108 b
PR CERCLA 108b - CLEAN (rev 11.28.16).docx
CP CERCLA108b Proposed Rule CLEAN (rev 11.18.16).docx

Mathy: please use attached -- revised again.

Thanks, nancy

Nancy Cohen

U.S. EPA OLEM

202.566.0171

From: Cohen, Nancy
Sent: Monday, November 28, 2016 12:08 PM
To: Mathy Stanislaus <Stanislaus.Mathy@epa.gov>; Barry Breen <Breen.Barry@epa.gov>
Cc: Becky Brooks <Brooks.Becky@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Benjamin, Kent <Benjamin.Kent@epa.gov>; Randy Deitz <Deitz.Randy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Subject: Revised Press Release and Comm Plan for 108 b

Mathy/Barry: per our conversation, here's the revised press release and comm plan for 108 b.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Nancy Cohen

U.S. EPA OLEM

202.566.0171

To: Breen, Barry[Breen.Barry@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Natarajan, Nitin[Natarajan.Nitin@epa.gov]
Cc: Akinnusotu, Bunmi[Akinnusotu.Bunmi@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Lowery, Brigid[Lowery.Brigid@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]; Taylor, Trish[Taylor.Trish@epa.gov]
From: Stanislaus, Mathy
Sent: Mon 12/5/2016 10:08:12 PM
Subject: RE: Action/For Approval: 108 b blog

Brigid – can you take lead on revisions.

From: Breen, Barry
Sent: Monday, December 05, 2016 5:06 PM
To: Deitz, Randy <Deitz.Randy@epa.gov>; Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>
Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Action/For Approval: 108 b blog

Ex. 5 - Deliberative Process

Barry

From: Deitz, Randy
Sent: Monday, December 05, 2016 4:10 PM
To: Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>
Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>
Subject: RE: Action/For Approval: 108 b blog

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Randy Deitz

Attorney Advisor

Communications, Partnerships, and Analysis Office (OCPA)

Office of Land and Emergency Management (OLEM)

(202) 566-0197

From: Stanislaus, Mathy

Sent: Monday, December 05, 2016 3:29 PM

To: Cohen, Nancy <Cohen.Nancy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>

Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>

Subject: RE: Action/For Approval: 108 b blog

Ex. 5 - Deliberative Process

From: Cohen, Nancy

Sent: Monday, December 05, 2016 2:07 PM

To: Stanislaus, Mathy <Stanislaus.Mathy@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>; Natarajan, Nitin <Natarajan.Nitin@epa.gov>

Cc: Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Brooks, Becky <Brooks.Becky@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>

Subject: Action/For Approval: 108 b blog

Mathy: here's the ORCR/OSRTI approved blog for your approval . . .

Thanks, nancy

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Desk Statement on CERCLA 108(b) Additional Classes Notification

Today, EPA is meeting a court ordered deadline by publishing a Notice describing the Agency's plan to consider financial responsibility requirements under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund, for three additional industries:

- Chemical manufacturing;
- Power generation, transmission and distribution; and
- Petroleum and coal products.

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Ex. 5 - Deliberative Process

Thus, this notice is **not a determination** that regulatory financial assurance requirements are necessary for any of these three classes. The notice explains that EPA intends to move forward to determine what, if any, financial responsibility requirements are necessary for these industries. EPA will evaluate a broad range of options in consultation with stakeholders including state and tribal governments, industry groups, and environmental groups before making such determinations. EPA's future activities will consist of information collection regarding each sector and an evaluation of the modern practices of these industries.

For more information: <https://www.epa.gov/superfund/superfund-financial-responsibility>

Cc: Flynn, Mike[Flynn.Mike@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Rennert, Kevin[Rennert.Kevin@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Rupp, Mark[Rupp.Mark@epa.gov]
To: Adm13McCarthy, Gina[Adm13McCarthy.Gina@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]
From: Stanislaus, Mathy
Sent: Wed 11/30/2016 2:39:10 AM
Subject: 108b update

We spoke with Stan and Matt yesterday regarding a couple of issues related to 108(b) - both are consistent with the briefings we had with you over the last few months.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I'll let you know if there are any new developments. Please let me know if we can provide any additional information.

Mathy Stanislaus
USEPA Assistant Administrator
Office of Land and Emergency Management
Follow us on Twitter @EPALand

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: Breen, Barry[Breen.Barry@epa.gov]; Akinnusotu, Bunmi[Akinnusotu.Bunmi@epa.gov]; Brooks, Becky[Brooks.Becky@epa.gov]; Hilosky, Nick[Hilosky.Nick@epa.gov]
From: Stanislaus, Mathy
Sent: Tue 11/29/2016 8:37:22 PM
Subject: Re: 108(b) Update note to send to AO

Ex. 5 - Deliberative Process

Mathy Stanislaus
USEPA Assistant Administrator
Office of Land and Emergency Management
Follow us on Twitter @EPALand

On Nov 29, 2016, at 3:34 PM, Johnson, Barnes <Johnson.Barnes@epa.gov> wrote:

Mathy per your request, here is a note that you can use or modify and send up to AO regarding 108(b)

Dear Gina and Stan,

We spoke with Stan yesterday regarding a couple of issues related to 108(b).

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We are planning to post a prepublication draft of the rule, reg text and approximately 14 technical background documents on Friday. We begin outreach discussions with the States via Mark Rupp on Monday the 5th.

I'll let you know if there are any new developments. Please let me know if we can provide any additional information.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

To: Kurz, Elizabeth[Elizabeth.Kurz@icf.com]
Cc: Barbara Foster[Foster.Barbara@epa.gov]
From: Vyas, Peggy
Sent: Wed 3/29/2017 11:30:20 AM
Subject: RE: CERCLA 108(b) Hardrock Mining Industry Rule - Draft Commenter Types for Comment Analysis

Thanks Libby! We are working on the draft issue outline. As we discussed I'll set up another meeting for further discussion and a demo for those of us who have not used CommentWorks in the past.

From: Kurz, Elizabeth [mailto:Elizabeth.Kurz@icf.com]
Sent: Tuesday, March 28, 2017 2:22 PM
To: Vyas, Peggy <Vyas.Peggy@epa.gov>
Cc: Beard, Catherine <Catherine.Beard@icf.com>; Kline, Gayle <Gayle.Kline@icf.com>
Subject: CERCLA 108(b) Hardrock Mining Industry Rule - Draft Commenter Types for Comment Analysis

Hi Peggy,

At the end of this e-mail, find a draft list of commenter types for use in analyzing the public comments on the proposed financial responsibility requirements for the hardrock mining industry. Please let us know if you would like to discuss, or if you have any additions or revisions to this list.

Also, Cathy Beard (cc'd on this e-mail) confirmed that we now have access to all of the hardrock mining rule public comments in FDMS. Now that we have access to the public comments, we plan to go ahead and set-up the initiative in CommentWorks and begin to import and prep for analysis the public comments submitted to date. We will not begin to review the comments until we have the issue outline and you have approved the list of commenter types.

Draft Commenter Types

Private Citizen

Anonymous

Mining Company

Electric Power Company

Chemical Manufacturing Company

Petroleum and Coal Product Manufacturing Company

Financial Institution

Other Company

Mining Industry Trade Association

Chemical Manufacturing Trade Association

Petroleum and Coal Product Manufacturing Trade Association

Financial Industry Trade Association

Other Industry Trade Association

Advocacy Group

Federal Agency

State or Local Agency

Federal Elected Official

State Elected Official

Tribal Government

Other

Libby McCullough Kurz | Manager | ICF International

9300 Lee Highway | Fairfax, VA 22031

(703)225.2941 | Elizabeth.Kurz@icfi.com

Follow ICF on [social media](#).

From: Kurz, Elizabeth
Sent: Friday, March 24, 2017 1:03 PM
To: 'Vyas, Peggy' <Vyas.Peggy@epa.gov>
Cc: Kline, Gayle <Gayle.Kline@icf.com>
Subject: RE: Introduction and Kick-off Meeting for Support to Analyze Comments on Proposed FR Requirements for Hardrock Mining Industry

Peggy,

Thanks for passing those names along. Below, please find a summary of the kick-off meeting as well as next steps identified for ICF and EPA during the meeting. Please let me know if you have any comments or changes. Thanks!

Summary of 3/23/17 Kick-off Meeting for the Analysis of Public Comments on the Proposed 108(b) FR Requirements for the Hardrock Mining Industry

- The EPA and ICF participants in the kick-off meeting briefly introduced themselves.
- EPA provided general background on the rulemaking, including a description of the anticipated high volume of public comments anticipated to be received. EPA and ICF discussed that the 120 day extension to the comment period could result in a higher volume and lengthier, more substantive public comments being submitted than were originally anticipated.
- EPA identified and explained specific topics on which public comments are likely to provide feedback.
- ICF asked clarifying questions on the Statement of Work.
- EPA clarified that the purpose of the high-level summaries to be developed under Task 1 is to inform ICF's policy decisions as early as possible in the rulemaking process. The summaries will provide a high-level overview of the substantive feedback provided by commenters, but will

not be a comprehensive summary of every argument provided on a topic.

- ICF offered to provide periodic status updates leading up to the close of the comment period that would provide high-level information about the public comments received. For example, ICF could describe the number of submissions received, the types of commenters providing comments, the form letter campaigns (also commonly referred to as mass mail campaigns) identified, and the topics on the issue outline most frequently commented on.
- ICF and EPA agreed that Task 1 and Task 2 would be occurring concurrently, but that the summaries developed under Task 1 would be completed before the deliverable in Task 2.
- ICF provided an overview of the process for downloading public comments from FDMS and importing, triaging, and organizing public comments in CommentWorks.
- ICF requested assistance from EPA to get access to the public submissions in docket EPA-HQ-SFUND-2015-0781.
- ICF agreed to provide to EPA for review and revision a draft list of commenter types to be used in the triage process.
- EPA agreed to provide to ICF a draft issue outline to be used to organize the public comments. ICF recommended that ICF then review the issue outline and begin to test its usability/suitability by analyzing the handful of substantive comments received to date and providing to EPA (1) any recommended changes to the issue outline and (2) a sample “excerpt-by-issue report” (EBI) showing how ICF has organized the exact text of the comments using the topics included in the draft issue outline. ICF explained that the goal of this process is to work towards a finalized issue outline and ensure that EPA and ICF have a common understanding of the topics on the issue outline and the format of the EBI.

Next Steps Identified During Kick-off Meeting

- ICF to e-mail EPA with information about existing FDMS account.
- EPA to request that docket EPA-HQ-SFUND-2015-0781 be added to ICF’s existing FDMS account.
- ICF to provide to EPA draft list of commenter types.
- EPA to provide to ICF draft issue outline.

- ICF to create hardrock mining initiative in CommentWorks, download submissions available in FDMS, and import submissions into CWs in preparation to begin analysis.

Libby McCullough Kurz | Manager | ICF International

9300 Lee Highway | Fairfax, VA 22031

(703)225.2941 | Elizabeth.Kurz@icfi.com

Follow ICF on [social media](#).

From: Vyas, Peggy [<mailto:Vyas.Peggy@epa.gov>]

Sent: Friday, March 24, 2017 10:27 AM

To: Kurz, Elizabeth <Elizabeth.Kurz@icfi.com>

Subject: Re: Introduction and Kick-off Meeting for Support to Analyze Comments on Proposed FR Requirements for Hardrock Mining Industry

Barbara Foster (team leader)

Scott Palmer

Mike Pease

Anna Krueger

Joe Krahe

Taetaye Shimeles

Richard Benware

Alyssa Cultice*

Linda Barr**

Bill Kline**

*on phone

**not present

From: Kurz, Elizabeth <Elizabeth.Kurz@icf.com>

Sent: Friday, March 24, 2017 9:07:46 AM

To: Vyas, Peggy

Subject: RE: Introduction and Kick-off Meeting for Support to Analyze Comments on Proposed FR Requirements for Hardrock Mining Industry

Hi Peggy,

It was very nice meeting you and the team yesterday. Would you mind sending me the names of everyone on the team? I tried to write them all down yesterday, but want to make sure I have them all and the correct spelling.

Also, as we discussed yesterday, I will need your help getting ICF access to the hardrock mining docket in FDMS. Cathy Beard, the ICF CommentWorks technical lead for this TO, has an existing FDMS account for EPA and will need to be granted access to view the public submissions in docket EPA-HQ-SFUND-2015-0781. The user name is Ex. 6 - Personal Privacy and the email address associated with the account is cbeard@icfi.com. Let me know if you have any questions about this or need additional information from me.

Thanks,

Libby

Libby McCullough Kurz | Manager | ICF International

9300 Lee Highway | Fairfax, VA 22031

(703)225.2941 | Elizabeth.Kurz@icfi.com

Follow ICF on [social media](#).

From: Vyas, Peggy [<mailto:Vyas.Peggy@epa.gov>]
Sent: Wednesday, March 22, 2017 8:12 AM
To: Kurz, Elizabeth <Elizabeth.Kurz@icf.com>
Cc: Kline, Gayle <Gayle.Kline@icf.com>
Subject: RE: Introduction and Kick-off Meeting for Support to Analyze Comments on Proposed FR Requirements for Hardrock Mining Industry

Hi Libby and Gayle! I've got us a room for tomorrow at 1:30. I've invited the entire team. We will be in room S-6731. I've only got the room for one hour as we will be having a division meeting in there starting at 2:30.

From: Kurz, Elizabeth [<mailto:Elizabeth.Kurz@icf.com>]
Sent: Thursday, March 16, 2017 4:28 PM
To: Vyas, Peggy <Vyas.Peggy@epa.gov>
Cc: Kline, Gayle <Gayle.Kline@icf.com>
Subject: Introduction and Kick-off Meeting for Support to Analyze Comments on Proposed FR Requirements for Hardrock Mining Industry

Ms. Vyas,

I hope you are well. I wanted to take the opportunity to introduce myself – my name is Libby Kurz and I was proposed as ICF's Task Order Manager for our support to you and your colleagues on the public comment analysis effort related to the January 11, 2017 proposed financial responsibility requirements for the hardrock mining industry rule. I have also copied on this e-mail Gayle Kline, the Project Manager for this effort. The ICF team is very excited to work with you on this important initiative, and we look forward to scheduling a kick-off meeting with you in the near future.

Would you want to schedule a kick-off meeting for next week, possibly on Thursday, March 23rd around 1:30? Please let us know if this time would work for you or feel free to propose another more convenient day or time for you. We look forward to talking to you soon!

Thanks,

Libby

Libby McCullough Kurz | Manager | ICF International

9300 Lee Highway | Fairfax, VA 22031

(703)225.2941 | Elizabeth.Kurz@icfi.com

Follow ICF on [social media](#).

From: Sas, Faye [<mailto:sas.faye@epa.gov>]

Sent: Wednesday, March 15, 2017 11:16 AM

To: Schossow, Frances <Frances.Schossow@icf.com>; Kline, Gayle <Gayle.Kline@icf.com>;
Group DDC-Customer <DDC-Customer@epa.gov>

Cc: Vyas, Peggy <Vyas.Peggy@epa.gov>; Vizzone, Nick <Vizzone.Nick@epa.gov>; Deskins,
Nolean <Deskins.Nolean@epa.gov>

Subject: RFQ-DC-17-00069: Award of Task Order #0089 under EP-W-10-056

The Government hereby accepts your offer under RFQ-DC-17-00069: Public Comment Support for the Financial Responsibility Requirements for the Hardrock Mining Industry Rule. ICF is awarded Task Order 0089 under EP-W-10-056 in the amount of \$89,784.00 to provide public comment support for the financial responsibility requirements for the Hardrock Mining Industry Rule. The Task Order Contracting Officer Representative (TOCOR) for the new task order award is Peggy Vyas, and her contact information is vyas.peggy@epa.gov. You will need to contact the TOCOR to coordinate a kick-off meeting. The effective date of this task order award is 15 March 2017, with a one year period of performance from the effective date of award.

Congratulations on your new task order award. Please direct all questions or concerns regarding this award to the undersigned.

V/R,

Faye Sas, Contracting Officer

U.S. Environmental Protection Agency (U.S. EPA)

Office of Acquisition Management

Superfund/RCRA Regional Procurement Operations Division

Office: 202.564.2669

Email: sas.faye@epa.gov

To: Palmer, Scott[Palmer.Scott@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
Cc: Pease, Michael[pease.michael@epa.gov]; Barr, Linda[Barr.Linda@epa.gov]
From: Foster, Barbara
Sent: Mon 2/20/2017 7:21:19 PM
Subject: Re: PMCAO Questions and Ideas for Focused RIA and FR Formula/Reduction Related Analyses Needed from ERAS for the Final HRM Rule

Thanks, Scott. There are a lot of good ideas here.

Ex. 5 - Deliberative Process

From: Palmer, Scott
Sent: Monday, February 20, 2017 1:04 PM
To: Sasseville, Sonya
Cc: Foster, Barbara; Pease, Michael; Barr, Linda
Subject: PMCAO Questions and Ideas for Focused RIA and FR Formula/Reduction Related Analyses Needed from ERAS for the Final HRM Rule

Hi Sonya, I've worked a bit this weekend and today reviewing a bulk of the RIA, as well as the Formula and Reductions. As we discussed on Friday, below is an outline I've pulled together with a number of ideas for consideration that

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I've also cc'd Linda and Mike so that we can further refine as a team. FYI – the 3 of us are also meeting tomorrow morning after the 108b Team Meeting to work more on this – so we may have some added eureka(s) for the meeting with ERAS 😊.

I've organized my ideas for consideration into logical categories. To be honest – it's quite easy to come up with a ton of options for consideration,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Message

From: Palmer, Scott [Palmer.Scott@epa.gov]
Sent: 2/20/2017 6:04:44 PM
To: Sasseville, Sonya [Sasseville.Sonya@epa.gov]
CC: Foster, Barbara [Foster.Barbara@epa.gov]; Pease, Michael [pease.michael@epa.gov]; Barr, Linda [Barr.Linda@epa.gov]
Subject: PMCAO Questions and Ideas for Focused RIA and FR Formula/Reduction Related Analyses Needed from ERAS for the Final HRM Rule

Hi Sonya, I've worked a bit this weekend and today reviewing a bulk of the RIA, as well as the Formula and Reductions. As we discussed on Friday, below is an outline I've pulled together with a number of ideas for consideration that

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I've also cc'd Linda and Mike so that we can further refine as a team. FYI – the 3 of us are also meeting tomorrow morning after the 108b Team Meeting to work more on this – so we may have some added eureka(s) for the meeting with ERAS 😊.

I've organized my ideas for consideration into logical categories. To be honest – it's quite easy to come up with a ton of options for consideration.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Krueger, Anna[Krueger.Anna@epa.gov]
From: Barr, Linda
Sent: Wed 12/14/2016 8:43:07 PM
Subject: RE: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING: DKIM validation failed]

I wonder if we should share with Randy Dietz, Gerain Cogliano, and Rob Stachowiak also?

Linda Barr

Economist

Cleanup Programs Branch

Program Implementation and Information Division

Office of Resource Conservation and Recovery

US Environmental Protection Agency

703-605-0768

Barr.Linda@epa.gov

Location:

2777 S. Crystal Drive

Arlington, VA 22202

For Delivery:

1200 Pennsylvania Ave., NW

Mail Code 5306P

Washington, DC 20460

From: Krueger, Anna
Sent: Wednesday, December 14, 2016 3:20 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Subject: FW: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING: DKIM validation failed]

Fyi, highlighted in yellow below

From: Barbery, Andrea
Sent: Wednesday, December 14, 2016 15:08
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>
Subject: FW: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING: DKIM validation failed]

Ex. 5 - Deliberative Process

Thanks,

Andrea Barbery

202-564-1397

From: Rupp, Mark
Sent: Wednesday, December 14, 2016 2:46 PM
To: Bowles, Jack <Bowles.Jack@epa.gov>; Cook-Shyovitz, Becky <Cook-Shyovitz.Becky@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>; Eargle, Frances <Eargle.Frances@epa.gov>
Subject: Fwd: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING:

DKIM validation failed]

Several of note in here....

Begin forwarded message:

From: James Ogsbury <jogsbury@westgov.org>
Date: December 14, 2016 at 1:10:29 PM CST
To: James Ogsbury <jogsbury@westgov.org>
Subject: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more
[WARNING: DKIM validation failed]

Western Governors formally approved seven new policy resolutions on the state-federal relationship, states' share of royalties and leasing revenues, water quality, tax-exempt federal lands, and storage and disposal of radioactive waste at the Western Governors' Association 2016 Winter Meeting at the Hotel del Coronado in San Diego, California.

Western Governors enact new policy resolutions and amend existing resolutions on a bi-annual basis. The announcement of the new resolutions concluded the Winter Meeting, hosted by WGA Chairman and Montana Gov. Steve Bullock.

Under the American construct of federalism, powers of the federal government are narrow, enumerated and defined. The powers of the states, on the other hand, are vast and indefinite. Over time, however, the balance of power has shifted from the states toward the federal government.

The inauguration of a new Administration presents an unusual opportunity to realign the state-federal relationship. Western Governors are eager to work in true partnership with the federal government and call upon the Administration to engage them in the development and execution of policy that impacts state authority. Governors and states have knowledge, perspectives and competencies that should be brought to bear in federal decision-making processes.

The resolutions adopted today by Western Governors are informed by their dedication to the protection of their constitutional prerogatives. WGA Policy Resolution 2017-01 articulates specific policy on the state-federal relationship and suggests a framework for its realignment.

Resolution 2017-01: Building a Stronger State-Federal Relationship: Where authority has been delegated by the federal government to the states, states should be granted the maximum administrative discretion possible and should be treated as co-regulators.

Resolution 2017-02: States' Share of Royalties and Leasing Revenues from Federal Lands: The federal government must honor its statutory obligations to share royalty and lease payments with states and counties.

Resolution 2017-03: Tax-Exempt Federal Lands and Secure Rural Schools: The federal government must honor its historic Payment In Lieu of Taxes agreement with states and counties in the West to compensate them for tax-exempt federal lands within their borders.

Resolution 2017-04: Water Quality in the West: States have jurisdiction over water resource allocation decisions and are responsible for balancing state water resource needs within the objectives of the federal Clean Water Act.

Resolution 2017-05: Storage and Disposal of Radioactive Waste and Spent Nuclear Fuel: Governors must be consulted about federal activities involving the transportation, storage or disposal of radioactive waste within a state's borders.

Resolution 2017-06: Financial Assurance Regulation: Western Governors believe that states have financial assurance regulatory programs in place that are working well and they should not be preempted or duplicated by any Environmental Protection Agency program.

Resolution 2017-07: Regulations of Coal Combustion Residuals: Western Governors support safe, beneficial use of coal combustion residuals and call on the Environmental Protection Agency to work with states and stakeholders to develop a national framework for advancing beneficial use.

[Read, download all seven resolutions](#)

To: Johnson, Barnes[Johnson.Barnes@epa.gov]
Cc: Woolford, James[Woolford.James@epa.gov]; Salyer, Kathleen[Salyer.Kathleen@epa.gov]; Barr, Pamela[Barr.Pamela@epa.gov]; Jennings, Robert[Jennings.Robert@epa.gov]
From: Wilbur, Jennifer
Sent: Wed 3/15/2017 2:55:23 PM
Subject: RE: Can you

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Wednesday, March 15, 2017 10:50 AM
To: Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>
Cc: Woolford, James <Woolford.James@epa.gov>; Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Barr, Pamela <Barr.Pamela@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>
Subject: Re: Can you

Ex. 5 - Deliberative Process

Sent from my iPhone

On Mar 15, 2017, at 9:04 AM, Wilbur, Jennifer <Wilbur.Jennifer@epa.gov> wrote:

Ex. 5 - Deliberative Process

From: Johnson, Barnes
Sent: Wednesday, March 15, 2017 9:00 AM
To: Woolford, James <Woolford.James@epa.gov>; Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>
Cc: Salyer, Kathleen <Salyer.Kathleen@epa.gov>; Barr, Pamela <Barr.Pamela@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>
Subject: Re: Can you

What language are we talking about. From whom about what?

Sent from my iPhone

On Mar 13, 2017, at 10:59 AM, Woolford, James <Woolford.James@epa.gov> wrote:

So you are aware...

Jim Woolford, Director

Office of Superfund Remediation and Technology Innovation

From: Wilbur, Jennifer

Sent: Monday, March 13, 2017 9:56 AM

To: Woolford, James <Woolford.James@epa.gov>

Subject: RE: Can you

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Message

From: Barr, Pamela [Barr.Pamela@epa.gov]
Sent: 9/13/2017 1:57:43 PM
To: Kohler, Amanda [Kohler.Amanda@epa.gov]; Pease, Michael [pease.michael@epa.gov]; Guernica, Mimi [Guernica.Mimi@epa.gov]
CC: Zaragoza, Larry [Zaragoza.Larry@epa.gov]
Subject: FA letter commends and thoughts
Attachments: image2017-09-12-220440.pdf

Here are my scribbles from yesterday.

Here also are some thoughts on things we could say.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks,
Pam

Sent from my iPhone

Message

From: Shimeles, Taetaye [Shimeles.Taetaye@epa.gov]
Sent: 2/17/2017 2:28:23 PM
To: Benware, Richard [Benware.Richard@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]
CC: Foster, Barbara [Foster.Barbara@epa.gov]; Krahe, Joseph [Krahe.Joseph@epa.gov]
Subject: RE: Question re Table X-1

Rob,

Ex. 5 - Attorney Client /Deliberative Process

Taetaye Shimeles
Environmental Engineer
Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency
Phone: 703-308-8729
E-mail: shimeles.taetaye@epa.gov



From: Benware, Richard
Sent: Friday, February 17, 2017 9:17 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>; Krahe, Joseph <Krahe.Joseph@epa.gov>
Subject: RE: Question re Table X-1

Rob,

Ex. 5 - Attorney Client /Deliberative Process

Best,
-Richard

u

From: Stachowiak, Robert
Sent: Wednesday, February 15, 2017 5:17 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Question re Table X-1

Attorney-client communication
Deliberative process privileged

Hi Richard –

Clarifying question for you re Table X-1 of the proposed HRM rule:

Ex. 5 - Attorney Client /Deliberative Process

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Foster, Barbara[Foster.Barbara@epa.gov]; Shimeles, Taetaye[shimeles.taetaye@epa.gov]; Joseph Krahe (Krahe.Joseph@epa.gov)[Krahe.Joseph@epa.gov]
From: Benware, Richard
Sent: Fri 2/17/2017 2:16:43 PM
Subject: RE: Question re Table X-1

Rob,

Ex. 5 - Attorney Client /Deliberative Process

Best,

-Richard

From: Stachowiak, Robert
Sent: Wednesday, February 15, 2017 5:17 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Question re Table X-1

Attorney-client communication

Deliberative process privileged

Hi Richard –

Clarifying question for you re Table X-1 of the proposed HRM rule:

Ex. 5 - Attorney Client /Deliberative Process

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

To: Huff, Mark J[huff.markj@epa.gov]
From: Birchfield, Norman
Sent: Wed 9/6/2017 5:05:59 PM
Subject: RE: Meetings

Thanks - I can swing by in about 15 min.

From: Huff, Mark J
Sent: Wednesday, September 06, 2017 12:59 PM
To: Birchfield, Norman <Birchfield.Norman@epa.gov>
Subject: RE: Meetings

A little background for the 4:00 is an attached outline of a **Ex. 5 - Deliberative Process**
Ex. 5 - Deliberative Process
Ex. 5 - Deliberative Process Just stop by before our 2:00 or we can catch up
right after the 2:00.

From: Birchfield, Norman
Sent: Wednesday, September 06, 2017 12:41 PM
To: Huff, Mark J <huff.markj@epa.gov>
Subject: RE: Meetings

Sounds good. Thanks

From: Huff, Mark J
Sent: Wednesday, September 06, 2017 12:40 PM
To: Birchfield, Norman <Birchfield.Norman@epa.gov>
Subject: Meetings

I forwarded you two meetings for today. You'll want to attend the 2:00 and we can talk about the 4:00 and see if you'd like to attend that one as well.

To: Brooks, Becky[Brooks.Becky@epa.gov]; ORCR IO[ORCR_IO@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
Cc: Hilosky, Nick[Hilosky.Nick@epa.gov]
From: Radtke, Meghan
Sent: Wed 9/13/2017 4:52:49 PM
Subject: RE: Introductions and Request for Meeting

Hi Becky,

Barnes is on travel those days and won't be able to attend. However, Sonya should be available. For us, the best time is 2:30 pm or later on September 20th.

Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: Ex. 6 - Personal Phone

From: Brooks, Becky
Sent: Wednesday, September 13, 2017 12:41 PM
To: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: Introductions and Request for Meeting

The National Mining Association wants to come in next week to meet with Patrick. Based on the proposed dates below, Patrick can meet on Sept. 19 at 4:00 or Sept. 20 at 3:00. Please let me

know what works for ORCR, as we want to include your office. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Bridgeford, Tawny [<mailto:TBridgeford@nma.org>]
Sent: Wednesday, September 13, 2017 11:41 AM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: Introductions and Request for Meeting

Becky:

Would next Tuesday, Sept. 19 at 4 p.m. or Wednesday, Sept. 20 (any time but noon to 2 p.m.) work? If not, send me two options and we will see what we can move around on our end.

Thanks!

Tawny

From: Brooks, Becky [<mailto:Brooks.Becky@epa.gov>]
Sent: Wednesday, September 13, 2017 8:38 AM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Subject: FW: Introductions and Request for Meeting

Hi Tawny – Please let me know what timeframe you are thinking about. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Davis, Patrick
Sent: Tuesday, September 12, 2017 2:28 PM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Cc: Brooks, Becky <Brooks.Bekky@epa.gov>
Subject: RE: Introductions and Request for Meeting

Hi Tawny,

Indeed, I remember being disappointed to have missed you when you came by last month. Thank you for restarting the conversation. Please coordinate with Becky Brooks to find a convenient time.

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Phone cell

Information sent to this email address may be subject to FOIA.

From: Bridgeford, Tawny [<mailto:TBridgeford@nma.org>]
Sent: Tuesday, September 12, 2017 2:20 PM
To: Davis, Patrick <davis.patrick@epa.gov>
Subject: Introductions and Request for Meeting

Mr. Davis:

Good afternoon! I am the Deputy General Counsel and Vice President of Regulatory Affairs at the National Mining Association (NMA). Last month we met with Barnes Johnson and members of the team to discuss NMA's concerns with and positions regarding the proposed CERCLA financial responsibility rule for the hardrock mining industry. Unfortunately, our scheduled member fly-in did not coordinate well with your schedule at the time and we asked to move forward with the meeting with the OLEM staff. We would like to correct that scheduling issue and hopefully find a time to introduce ourselves in person and provide a quick overview of who we are and our members' priority issues under OLEM. CERCLA financial responsibility is our number one priority, but we are involved in several other issues as well (e.g., coal ash, chemical security, etc.). Please let me know if you have time over the next few weeks to meet in person.

Look forward to hearing from you.

Regards,

Tawny

Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs



NMA
THE AMERICAN ASSOCIATION

National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: (202) 463-2629
tbridgeford@nma.org

Message

From: Hilosky, Nick [Hilosky.Nick@epa.gov]
Sent: 2/1/2017 7:31:56 PM
To: Brooks, Becky [Brooks.Becky@epa.gov]
Subject: FW: CERCLA 108(b) - Two Pager
Attachments: CERCLA 108(b) HRM_1 pager_1_30_17--RKM.docx

From: Mattick, Richard
Sent: Monday, January 30, 2017 2:41 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: RE: CERCLA 108(b) - Two Pager

Hi all,

See attached a few comments that jumped out at me as I took a look. I'm unclear who is receiving edits on this, but would be happy to work with ORCR to address as well as integrate the cost info once we have it.

Rich

From: Johnson, Barnes
Sent: Monday, January 30, 2017 12:53 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: CERCLA 108(b) - Two Pager

Barry,

Attached, please find per your request a draft of the two pager. This version has been updated from the original one pager developed for the landing team; the formatting has changed and cleaned up from the format used for the landing team; and one additional bullet was added to the background section – this bullet lists the seven main issues that define the proposal (you'll recall that it is these issues that we went over with the landing team).

Mark is working on a short summary of the RIA and Sonya is pulling together a more formal briefing paper (not sure if we will brief from the two pager or from this package that Sonya is pulling together; regardless we will need this even if it's not for this).

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.
Don

From: Schnare, David
Sent: Monday, January 30, 2017 9:11 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [<mailto:kevin.bromberg@sba.gov>]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process There already exists substantial supporting comments (pre-proposal) from mining regulators association, the Western governors and NMA and AE&MA.

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.
Sent: Monday, January 23, 2017 4:36 PM
To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)
Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: Breen, Barry[Breen.Barry@epa.gov]
Cc: Brooks, Becky[Brooks.Becky@epa.gov]
From: Hilosky, Nick
Sent: Thur 1/19/2017 9:08:18 PM
Subject: Sunday Email

Barry,

Below are items for your Sunday note to the Acting Administrator. This may be more than you need given the email from Mike Flynn about the weekly reports, but I'll leave that to your good judgement!

Nick

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- The following regulatory actions were published in the Federal Register in the last two weeks:
 - o January 9, 2017 - Hazard Ranking System Subsurface Intrusion Final Rule
 - o January 11, 2017 -- CERCLA 108 b Proposed Rule for Hardrock Mining
 - o January 11, 2017 -- CERCLA 108 b Additional Classes Notice
 - o January 13, 2017 – Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act Final Rule. The effective date is March 14, 2017.
 - o January 19, 2017 - FY2017 Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees notice

Ex. 5 - Deliberative Process

- On January 24th, the Further with Food: Center for Food Loss and Waste Solutions website will go live to the public. The website--www.furtherwithfood.org--will be a national hub to exchange information and solutions to reduce food loss and waste. The Further with Food website is the result of a public-private partnership between USDA, EPA and ten other NGO and trade groups. EPA will work with USDA and the other partners to publicize the launch of the website.

Ex. 5 - Deliberative Process

- I am in all week except Friday, January 27th, when I will be away for my 35th Wedding Anniversary.

To: Breen, Barry[Breen.Barry@epa.gov]
Cc: Brooks, Becky[Brooks.Becky@epa.gov]
From: Hilosky, Nick
Sent: Thur 1/19/2017 9:03:30 PM
Subject: Sunday Email

Barry,

Below are items for your Sunday note to the Acting Administrator. This may be more than you need given the email from Mike Flynn about the weekly reports, but I'll leave that to your good judgement!

Nick

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- The following regulatory actions were published in the Federal Register in the last two weeks:

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- o January 11, 2017 -- CERCLA 108 b Proposed Rule for Hardrock Mining
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- o January 13, 2017 – Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act Final Rule. The effective date is March 14, 2017.
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Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

- I am in all week except Friday, January 27th, when I will be away for my 35th Wedding Anniversary.

To: Schramm, Daniel[Schramm.Daniel@epa.gov]
Cc: Barry Breen[Breen.Barry@epa.gov]; John Michaud[Michaud.John@epa.gov]; Lewis, Jen[Lewis.Jen@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Miller, Kevin[Miller.Kevin@epa.gov]
From: Brooks, Becky
Sent: Thur 11/30/2017 8:58:35 PM
Subject: FW: FOIA Production Review: Presidential Transition Briefings
[Abandoned Hardrock Mine Lands.pdf](#)
[CERCLA 108\(B\) \(Financial Assurance for Hard Rock Mining\).pdf](#)
[Coal Combustion Residuals \(CCR\) Rule.pdf](#)
[Financial Assurance.pdf](#)
[Risk Management Program Rule.pdf](#)

Ex. 5 - Deliberative Process / Attorney-Client / Attorney Work Product

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Schramm, Daniel
Sent: Tuesday, November 21, 2017 10:30 AM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Miller, Kevin <Miller.Kevin@epa.gov>
Subject: FOIA Production Review: Presidential Transition Briefings

Barry,

Ex. 5 - Deliberative Process / Attorney-Client / Attorney Work Product

Ex. 5 - Deliberative Process, attorney client, attorney work product

Sincerely,

Dan

Daniel Schramm

U.S. EPA Office of General Counsel

(202) 564-3377

schramm.daniel@epa.gov

The contents of this message may be subject to the attorney-client, work-product, or deliberative process privileges.

To: ORCR IO[ORCR_IO@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]
Cc: Hilosky, Nick[hilosky.nick@epa.gov]
From: Brooks, Becky
Sent: Wed 9/13/2017 4:40:34 PM
Subject: FW: Introductions and Request for Meeting

The National Mining Association wants to come in next week to meet with Patrick. Based on the proposed dates below, Patrick can meet on Sept. 19 at 4:00 or Sept. 20 at 3:00. Please let me know what works for ORCR, as we want to include your office. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Bridgeford, Tawny [mailto:TBridgeford@nma.org]
Sent: Wednesday, September 13, 2017 11:41 AM
To: Brooks, Becky <Brooks.Becky@epa.gov>
Subject: RE: Introductions and Request for Meeting

Becky:

Would next Tuesday, Sept. 19 at 4 p.m. or Wednesday, Sept. 20 (any time but noon to 2 p.m.) work? If not, send me two options and we will see what we can move around on our end.

Thanks!

Tawny

From: Brooks, Becky [<mailto:Brooks.Bekky@epa.gov>]
Sent: Wednesday, September 13, 2017 8:38 AM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Subject: FW: Introductions and Request for Meeting

Hi Tawny – Please let me know what timeframe you are thinking about. Thanks. Becky

Becky Brooks

Special Assistant

Office of Land and Emergency Management

U.S. Environmental Protection Agency

ph. 202-566-2762

From: Davis, Patrick
Sent: Tuesday, September 12, 2017 2:28 PM
To: Bridgeford, Tawny <TBridgeford@nma.org>
Cc: Brooks, Becky <Brooks.Bekky@epa.gov>
Subject: RE: Introductions and Request for Meeting

Hi Tawny,

Indeed, I remember being disappointed to have missed you when you came by last month. Thank you for restarting the conversation. Please coordinate with Becky Brooks to find a convenient time.

Thanks,

Patrick Davis

Environmental Protection Agency

Deputy Assistant Administrator, Office of Land and Emergency Management

202-564-3103 office

Ex. 6 - Personal Phone cell

Information sent to this email address may be subject to FOIA.

From: Bridgeford, Tawny [<mailto:TBridgeford@nma.org>]

Sent: Tuesday, September 12, 2017 2:20 PM

To: Davis, Patrick <davis.patrick@epa.gov>

Subject: Introductions and Request for Meeting

Mr. Davis:

Good afternoon! I am the Deputy General Counsel and Vice President of Regulatory Affairs at the National Mining Association (NMA). Last month we met with Barnes Johnson and members of the team to discuss NMA's concerns with and positions regarding the proposed CERCLA financial responsibility rule for the hardrock mining industry. Unfortunately, our scheduled member fly-in did not coordinate well with your schedule at the time and we asked to move forward with the meeting with the OLEM staff. We would like to correct that scheduling issue and hopefully find a time to introduce ourselves in person and provide a quick overview of who we are and our members' priority issues under OLEM. CERCLA financial responsibility is our number one priority, but we are involved in several other issues as well (e.g., coal ash, chemical security, etc.). Please let me know if you have time over the next few weeks to meet in person.

Look forward to hearing from you.

Regards,

Tawny



Tawny Bridgeford
Deputy General Counsel & Vice President, Regulatory Affairs
National Mining Association
101 Constitution Ave. NW, Suite 500 East
Washington, D.C. 20001
Phone: (202) 463-2600
Direct: (202) 463-2629
tbridgeford@nma.org

To: Foster, Barbara[Foster.Barbara@epa.gov]
Cc: Chang, Patrick[Chang.Patrick@epa.gov]
From: Stachowiak, Robert
Sent: Tue 7/18/2017 5:29:28 PM
Subject: Re: Priority Notice

Ex. 5 - Attorney Client, Deliberative process

-R

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Jul 18, 2017, at 1:16 PM, Foster, Barbara <Foster.Barbara@epa.gov> wrote:

Ex. 5 - Attorney Client, Deliberative process

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]; Cogliano, Gerain[Cogliano.Gerain@epa.gov]
From: Jones, Danielle Y. EOP/OMB
Sent: Thur 12/1/2016 5:45:05 AM
Subject: RE: Section 7 draft is attached

hahaha

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:18 AM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Jones, Danielle Y. EOP/OMB
Ex. 6 - Personal Privacy email
Subject: RE: Section 7 draft is attached

Now I am overtired and on a second wind but it won't last... Danielle must have a regular Uber driver by now, after all of these late nights! Send the bill to Kevin!

From: Cogliano, Gerain
Sent: Thursday, December 01, 2016 12:17 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Jones, Danielle Y. EOP/OMB
Ex. 6 - Personal Privacy email
Subject: Re: Section 7 draft is attached

I knew you would ignore me. 😊

From: Hoffman, Wendy
Sent: Thursday, December 1, 2016 12:16 AM
To: Cogliano, Gerain; Jones, Danielle Y. EOP/OMB

Subject: RE: Section 7 draft is attached

As if I had really left my computer yet – not quite.

From: Cogliano, Gerain

Sent: Thursday, December 01, 2016 12:13 AM

To: Jones, Danielle Y. EOP/OMB <[REDACTED]> Hoffman, Wendy
<Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

Just don't die from exhaustion!!

I told Wendy to call it a night. I'll hang on for a bit longer...the smoke alarm above my head just made a loud beep so now I'm wide awake! Batteries need replacing.

From: Jones, Danielle Y. EOP/OMB <[REDACTED]>

Sent: Thursday, December 1, 2016 12:09 AM

To: Hoffman, Wendy; Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Okay. Make sure you get rest okay. I can run on fumes. My motto is "I will rest when I am dead."

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | [REDACTED]

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Thursday, December 1, 2016 12:08 AM

To: Jones, Danielle Y. EOP/OMB <[mailto:Ex. 6 - Personal Privacy email]@epa.gov> Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy - non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:Ex. 6 - Personal Privacy email]

Sent: Thursday, December 01, 2016 12:05 AM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

I am drinking a coca cola to stay awake at this point. Plus I got a huge bag of chocolates for a sugar rush for when the caffeine no longer works...

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Thursday, December 1, 2016 12:02 AM

To: Jones, Danielle Y. EOP/OMB <[mailto:Ex. 6 - Personal Privacy email]@epa.gov>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

Wendy makes a good strong cup of coffee! I certainly enjoyed the cup she made me this morning! The caffeine definitely was working throughout the day!

From: Jones, Danielle Y. EOP/OMB <[REDACTED]>
Sent: Wednesday, November 30, 2016 11:58 PM
To: Cogliano, Gerain
Cc: Hoffman, Wendy
Subject: RE: Section 7 draft is attached

Fantastic. I also spoke with Sonya to let her know [REDACTED] **Ex. 5 - Deliberative Process**

[REDACTED] **Ex. 5 - Deliberative Process**

[REDACTED] **Ex. 5 - Deliberative Process**

[REDACTED] am going to need
a BIG cup of joe in the morning.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | [REDACTED] **Ex. 6 - Personal Privacy email**

From: Cogliano, Gerain [<mailto:Cogliano.Gerain@epa.gov>]
Sent: Wednesday, November 30, 2016 11:57 PM
To: Jones, Danielle Y. EOP/OMB <[REDACTED]> **Ex. 6 - Personal Privacy email**
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

Definitely! BTW, I've asked Sonya if Barnes would attend or at least be available to call in quickly, if needed.

From: Jones, Danielle Y. EOP/OMB <[REDACTED]> **Ex. 6 - Personal Privacy email**
Sent: Wednesday, November 30, 2016 11:49 PM
To: Hoffman, Wendy; Cogliano, Gerain
Subject: RE: Section 7 draft is attached

Good night and talk to you tomorrow morning. Are you going to be on the SBAR Panel call at 9 am?

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [<mailto:Hoffman.Wendy@epa.gov>]

Sent: Wednesday, November 30, 2016 11:49 PM

To: Jones, Danielle Y. EOP/OMB <Cogliano.Gerain@epa.gov> **Ex. 6 - Personal Privacy email** Cogliano, Gerain

Subject: RE: Section 7 draft is attached

My eyes are falling out of my head. I will need to throw in the towel !!

From: Jones, Danielle Y. EOP/OMB [<mailto:>]

Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:44 PM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Just did ☺ Now onto the preamble and rule!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [<mailto:Hoffman.Wendy@epa.gov>]

Sent: Wednesday, November 30, 2016 11:38 PM

To: Jones, Danielle Y. EOP/OMB <Cogliano.Gerain@epa.gov> **Ex. 6 - Personal Privacy email** Cogliano, Gerain

<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Thank goodness! Will you send it back to me tonight?

From: Jones, Danielle Y. EOP/OMB [mailto:mtailto]

Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:36 PM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Just looking at all of the changes. And correcting
Very few edits.

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Wednesday, November 30, 2016 11:35 PM

To: Jones, Danielle Y. EOP/OMB
<Cogliano.Gerain@epa.gov>

Ex. 6 - Personal Privacy email

; Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Did you take a speed reading class or are you just looking at changes? That was fast!

From: Jones, Danielle Y. EOP/OMB [mailto:mtailto]

Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:33 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hoffman, Wendy
<Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

Thanks for giving them grief Wendy! And thanks Gerain for the empathy. The good news is that I am almost finished with the RIA. Will send out shortly

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Wednesday, November 30, 2016 11:32 PM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email

Subject: Re: Section 7 draft is attached

So sorry, Danielle, for the lack of a redlined version. I know Wendy gave them grief for making this all that more difficult on you!

From: Hoffman, Wendy

Sent: Wednesday, November 30, 2016 11:27 PM

To: Jones, Danielle Y. EOP/OMB

Cc: Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Thank goodness. I let them know that this was not what you were expecting and it's creating extra work when that's the last thing you need!

From: Jones, Danielle Y. EOP/OMB [mailto:]

Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:20 PM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

By the way I'm in chapter 7 of the RIA. Going a lot fast with the actual redline!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [<mailto:Hoffman.Wendy@epa.gov>]

Sent: Wednesday, November 30, 2016 11:18 PM

To: Jones, Danielle Y. EOP/OMB <**Ex. 6 - Personal Privacy email**>

Subject: RE: Section 7 draft is attached

Ex. 5 - Deliberative Process

From: Jones, Danielle Y. EOP/OMB [<mailto:> **Ex. 6 - Personal Privacy email**]

Sent: Wednesday, November 30, 2016 10:24 PM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Can you call me please. I'm in my office/cubicle.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [<mailto:Hoffman.Wendy@epa.gov>]

Sent: Wednesday, November 30, 2016 10:01 PM

To: Jones, Danielle Y. EOP/OMB <Cogliano.Gerain@epa.gov> Ex. 6 - Personal Privacy email Cogliano, Gerain

Subject: RE: Section 7 draft is attached

I am taking a look now.

From: Jones, Danielle Y. EOP/OMB [<mailto:>] Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 9:59 PM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

Thanks for the second set of eyes Gerain.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [<mailto:Cogliano.Gerain@epa.gov>]

Sent: Wednesday, November 30, 2016 9:52 PM

To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

In the process of reading it, already found a couple of minor edits. Will finish reading.

From: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 9:33 PM

To: Cogliano, Gerain; Hoffman, Wendy

Subject: FW: Section 7 draft is attached

To keep you both in the loop. Ex. 5 - Deliberative Process I have placed a
comment bubble for each edit.

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Jones, Danielle Y. EOP/OMB

Sent: Wednesday, November 30, 2016 9:33 PM

To: 'Wiggins, Lanelle' <Wiggins.Lanelle@epa.gov>; kevin.bromberg@sba.gov

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>;

Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: RE: Section 7 draft is attached

Please see my attached comments. I have added my comments and edits to Kevin's. Kevin,
please review these edits as well, since I took liberty to add/modify your edits.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Wiggins, Lanelle [<mailto:Wiggins.Lanelle@epa.gov>]

Sent: Wednesday, November 30, 2016 2:50 PM

To: kevin.bromberg@sba.gov; Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>; Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: Section 7 draft is attached

Attached is a draft of section 7. We have tried to include redline strikeout as much as possible.

Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

To: Johnson, Barnes[Johnson.Barnes@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Cogliano, Gerain[Cogliano.Gerain@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Krueger, Anna
Sent: Wed 12/14/2016 8:48:58 PM
Subject: FW: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING: DKIM validation failed]

An FYI on WGA

From: Krueger, Anna
Sent: Wednesday, December 14, 2016 15:20
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Subject: FW: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING: DKIM validation failed]

Fyi, highlighted in yellow below

From: Barbery, Andrea
Sent: Wednesday, December 14, 2016 15:08
To: Harwood, Jackie <Harwood.Jackie@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>
Subject: FW: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING: DKIM validation failed]

Ex. 5 - Deliberative Process

Thanks,

Andrea Barbery

202-564-1397

From: Rupp, Mark

Sent: Wednesday, December 14, 2016 2:46 PM

To: Bowles, Jack <Bowles.Jack@epa.gov>; Cook-Shyovitz, Becky <Cook-Shyovitz.Becky@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>; Eargle, Frances <Eargle.Frances@epa.gov>

Subject: Fwd: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING: DKIM validation failed]

Several of note in here....

Begin forwarded message:

From: James Ogsbury <jogsbury@westgov.org>

Date: December 14, 2016 at 1:10:29 PM CST

To: James Ogsbury <jogsbury@westgov.org>

Subject: Western Governors approve policy resolutions on stronger state-federal relationship, radioactive waste, coal combustion residuals, water quality and more [WARNING: DKIM validation failed]

Western Governors formally approved seven new policy resolutions on the state-federal relationship, states' share of royalties and leasing revenues, water quality, tax-exempt federal lands, and storage and disposal of radioactive waste at the Western Governors' Association 2016 Winter Meeting at the Hotel del Coronado in San Diego, California.

Western Governors enact new policy resolutions and amend existing resolutions on a bi-annual basis. The announcement of the new resolutions concluded the Winter Meeting, hosted by WGA Chairman and Montana Gov. Steve Bullock.

Under the American construct of federalism, powers of the federal government are narrow, enumerated and defined. The powers of the states, on the other hand, are vast and indefinite. Over time, however, the balance of power has shifted from the states toward the federal government.

The inauguration of a new Administration presents an unusual opportunity to realign the state-federal relationship. Western Governors are eager to work in true partnership with the federal government and call upon the Administration to engage them in the development and execution of policy that impacts state authority. Governors and states have knowledge, perspectives and competencies that should be brought to bear in federal decision-making processes.

The resolutions adopted today by Western Governors are informed by their dedication to the protection of their constitutional prerogatives. WGA Policy Resolution 2017-01 articulates specific policy on the state-federal relationship and suggests a framework for its realignment.

Resolution 2017-01: Building a Stronger State-Federal Relationship: Where authority has been delegated by the federal government to the states, states should be granted the maximum administrative discretion possible and should be treated as co-regulators.

Resolution 2017-02: States' Share of Royalties and Leasing Revenues from Federal Lands: The federal government must honor its statutory obligations to share royalty and lease payments with states and counties.

Resolution 2017-03: Tax-Exempt Federal Lands and Secure Rural Schools: The federal government must honor its historic Payment In Lieu of Taxes agreement with states and counties in the West to compensate them for tax-exempt federal lands within their borders.

Resolution 2017-04: Water Quality in the West: States have jurisdiction over water resource allocation decisions and are responsible for balancing state water resource needs within the objectives of the federal Clean Water Act.

Resolution 2017-05: Storage and Disposal of Radioactive Waste and Spent Nuclear Fuel: Governors must be consulted about federal activities involving the transportation, storage or disposal of radioactive waste within a state's borders.

Resolution 2017-06: Financial Assurance Regulation: Western Governors believe that states have financial assurance regulatory programs in place that are working well and they should not be preempted or duplicated by any Environmental Protection Agency program.

Resolution 2017-07: Regulations of Coal Combustion Residuals: Western Governors support safe, beneficial use of coal combustion residuals and call on the Environmental Protection Agency to work with states and stakeholders to develop a national framework for advancing beneficial use.

[Read, download all seven resolutions](#)

Message

From: Hostage, Barbara [Hostage.Barbara@epa.gov]
Sent: 1/30/2017 8:30:09 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Mattick, Richard [Mattick.Richard@epa.gov]
Subject: FW: CERCLA 108(b) - Two Pager

Fyi

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Johnson, Barnes
Sent: Monday, January 30, 2017 3:29 PM
To: Hilosky, Nick <Hilosky.Nick@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>
Subject: Re: CERCLA 108(b) - Two Pager

Let's see if Barry wants fixes given this was vetted to the hilt just a few weeks ago. We can always handle Ricks comments during the discussion.

Sent from my iPhone

On Jan 30, 2017, at 3:14 PM, Hilosky, Nick <Hilosky.Nick@epa.gov> wrote:

Just a heads up that Barry already has this. We haven't sent it on yet, so let me know how you want to handle Rick's comments and if you want to send an updated version.
Nick

Sent from my iPhone

Begin forwarded message:

From: "Mattick, Richard" <Mattick.Richard@epa.gov>
Date: January 30, 2017 at 2:51:55 PM EST
To: "Johnson, Barnes" <Johnson.Barnes@epa.gov>, "Breen, Barry" <Breen.Barry@epa.gov>
Cc: "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Simon, Nigel" <Simon.Nigel@epa.gov>, "Hilosky, Nick" <Hilosky.Nick@epa.gov>, "Sasseville, Sonya" <Sasseville.Sonya@epa.gov>, "Huff, Mark J" <huff.markj@epa.gov>
Subject: RE: CERCLA 108(b) - Two Pager

In the next steps section, we should also mention the SBA Envr. Roundtable meeting that is happening this Friday, February 3rd. SBA's advocacy is what has gotten the IO's attention---as such, we would be remiss not to mention the meeting they are hosting....

From: Mattick, Richard
Sent: Monday, January 30, 2017 2:41 PM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: RE: CERCLA 108(b) - Two Pager

Hi all,

See attached a few comments that jumped out at me as I took a look. I'm unclear who is receiving edits on this, but would be happy to work with ORCR to address as well as integrate the cost info once we have it.

Rich

From: Johnson, Barnes
Sent: Monday, January 30, 2017 12:53 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
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Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 | johnson.barnes@epa.gov | [@EPALand](#)

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>

Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
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Perfect. I await the one pager.
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Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter.

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Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)

Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

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Sent: 1/30/2017 8:19:53 PM
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Subject: FW: CERCLA 108(b) - Two Pager

fyi

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johnson.barnes@epa.gov | [@EPAland](#)

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Ex. 5 - Deliberative Process

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Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

Message

From: Mattick, Richard [Mattick.Richard@epa.gov]
Sent: 1/30/2017 8:03:51 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Hostage, Barbara [Hostage.Barbara@epa.gov]
Subject: RE: CERCLA 108(b) - Two Pager

Agreed.

From: Cogliano, Gerain
Sent: Monday, January 30, 2017 1:19 PM
To: Hostage, Barbara <Hostage.Barbara@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>
Subject: Re: CERCLA 108(b) - Two Pager

You'd think the court deadline we were under would have been highlighted and not buried.

From: Hostage, Barbara
Sent: Monday, January 30, 2017 1:01 PM
To: Cogliano, Gerain; Mattick, Richard
Subject: FW: CERCLA 108(b) - Two Pager

Fyi

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
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EPA West Room 4130A
Phone Number: 202-566-1933
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Sent: 1/30/2017 6:01:52 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Mattick, Richard [Mattick.Richard@epa.gov]
Subject: FW: CERCLA 108(b) - Two Pager
Attachments: CERCLA 108(b) HRM_1 pager_1_30_17.docx

Fyi

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
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Sent: 1/30/2017 4:42:48 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Mattick, Richard [Mattick.Richard@epa.gov]
Subject: FW: CERCLA 108(b)

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To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>
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To keep you in the loop.

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Dear David,

Certainly. We'll draw together a one-pager that is up to date. (The one-pager will probably turn out to be a few pages long.)

Section 108 is a provision in the original 1980 CERCLA, and there is some useful context (e.g., several other industry classes to be considered for future regulation) and history (including litigation) to how we got here. OGC would be helpful in the discussion.

So I'd suggest an oral briefing in addition to the one-pager. Does that make sense to you too?

Barry

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>
Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.

Don

From: Schnare, David
Sent: Monday, January 30, 2017 9:11 AM
To: Breen, Barry <Breen.Barry@epa.gov>

Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>

Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]
Sent: Saturday, January 28, 2017 3:36 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

As discussed, here is the CERCLA 108(b) letter.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

There already exists substantial supporting comments (pre-proposal) from mining regulators association, the Western governors and NMA and AE&MA.

Our Roundtable is still scheduled for Friday Feb. 3 if the communications office approves.

From: Bromberg, Kevin L.
Sent: Monday, January 23, 2017 4:36 PM
To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)
Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

Message

From: Mattick, Richard [Mattick.Richard@epa.gov]
Sent: 1/30/2017 4:38:07 PM
To: Hostage, Barbara [Hostage.Barbara@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Also FYI, the meeting is this Friday Feb. 3. Should be a fun one!

From: Hostage, Barbara
Sent: Monday, January 30, 2017 11:01 AM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf
Importance: High

The plot thickens.....
The meeting on February 13th ought to be very interesting.....

Rick, looks like a one-pager will be prepared.
You should probably coordinate with Sonya on this.

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

From: Benton, Donald
Sent: Monday, January 30, 2017 9:47 AM
To: Schnare, David <schnare.david@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>

Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Perfect. I await the one pager.

Don

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Sent: Monday, January 30, 2017 9:11 AM

To: Breen, Barry <Breen.Barry@epa.gov>

Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>

Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]

Sent: Saturday, January 28, 2017 3:36 PM

To: Schnare, David <schnare.david@epa.gov>

Subject: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

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Sent: Monday, January 23, 2017 4:36 PM

To: 'Laura Skaer'; 'Bridgeford, Tawny'; Jeff Parshley (HELPER) (jparshley@srk.com)

Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)

Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

Message

From: Mattick, Richard [Mattick.Richard@epa.gov]
Sent: 1/30/2017 4:15:21 PM
To: Hostage, Barbara [Hostage.Barbara@epa.gov]; Cogliano, Gerain [Cogliano.Gerain@epa.gov]
Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Yes, will do.

From: Hostage, Barbara
Sent: Monday, January 30, 2017 11:01 AM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf
Importance: High

The plot thickens.....
The meeting on February 13th ought to be very interesting.....

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Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

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Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
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Dear Barnes,

I will call you, and here is David's note that I'll call to follow up on.

B.

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Subject: RE: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

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Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>

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Ex. 5 - Deliberative Process

dschnare

From: Bromberg, Kevin L. [mailto:kevin.bromberg@sba.gov]

Sent: Saturday, January 28, 2017 3:36 PM

To: Schnare, David <schnare.david@epa.gov>

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Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)

Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

Message

From: Hostage, Barbara [Hostage.Barbara@epa.gov]
Sent: 1/30/2017 4:01:28 PM
To: Cogliano, Gerain [Cogliano.Gerain@epa.gov]; Mattick, Richard [Mattick.Richard@epa.gov]
Subject: FW: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Importance: High

The plot thickens.....

The meeting on February 13th ought to be very interesting.....

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Office of Program Management (OPM)
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EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

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Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
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Dear Barnes,

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Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>
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Cc: McCabe, Catherine <McCabe.Catherine@epa.gov>; Flynn, Mike <Flynn.Mike@epa.gov>; Benton, Donald <benton.donald@epa.gov>
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Ex. 5 - Deliberative Process

dschnare

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Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

Message

From: Cogliano, Gerain [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4BA589A367194EFD92030BFBE891A298-COGLIANO, GERAIN]
Sent: 1/30/2017 6:19:16 PM
To: Hostage, Barbara [Hostage.Barbara@epa.gov]; Mattick, Richard [Mattick.Richard@epa.gov]
Subject: Re: CERCLA 108(b) - Two Pager

You'd think the court deadline we were under would have been highlighted and not buried.

From: Hostage, Barbara
Sent: Monday, January 30, 2017 1:01 PM
To: Cogliano, Gerain; Mattick, Richard
Subject: FW: CERCLA 108(b) - Two Pager

Fyi

Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

From: Johnson, Barnes
Sent: Monday, January 30, 2017 12:53 PM
To: Breen, Barry <Breen.Barry@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: CERCLA 108(b) - Two Pager

Barry,

Attached, please find per your request a draft of the two pager. This version has been updated from the original one pager developed for the landing team; the formatting has changed and cleaned up from the format used for the landing team; and one additional bullet was added to the background section – this bullet lists the seven main issues that define the proposal (you'll recall that it is these issues that we went over with the landing team).

Mark is working on a short summary of the RIA and Sonya is pulling together a more formal briefing paper (not sure if we will brief from the two pager or from this package that Sonya is pulling together; regardless we will need this even if it's not for this).

Barnes Johnson

From: Breen, Barry
Sent: Monday, January 30, 2017 10:55 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>
Cc: Hostage, Barbara <Hostage.Barbara@epa.gov>; Simon, Nigel <Simon.Nigel@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>
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dschnare

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Sent: 1/30/2017 4:09:25 PM
To: Hostage, Barbara [Hostage.Barbara@epa.gov]; Mattick, Richard [Mattick.Richard@epa.gov]
Subject: Re: CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

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Barbara Hostage, Director
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
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EPA West Room 4130A
Phone Number: 202-566-1933
Fax Number: 202-566-1934
Mail Code: 5103T

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Cc: 'Jonathan Gledhill' (jgledhill@policynavigation.com)
Subject: Emailing - CERCLA 108(b) Advocacy Comment Letter - EPA FINAL_.pdf

Corrected typo – extra “0” in Appendix

To: Noggle, William[Noggle.William@epa.gov]; Hoffman, Wendy[Hoffman.Wendy@epa.gov]
From: Cogliano, Gerain
Sent: Thur 12/1/2016 8:33:51 PM
Subject: FW: 108b

fyi

From: Lowery, Brigid
Sent: Thursday, December 01, 2016 3:21 PM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: 108b

Gerain, We are going to have a comms call with OPA and ORCR at 3:30. **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Thanks you!!! Hang in there.

From: Cogliano, Gerain
Sent: Thursday, December 01, 2016 2:30 PM
To: Lowery, Brigid <Lowery.Brigid@epa.gov>
Cc: Brooks, Becky <Brooks.Becky@epa.gov>; Hilosky, Nick <Hilosky.Nick@epa.gov>; Akinnusotu, Bunmi <Akinnusotu.Bunmi@epa.gov>; Knapp, Kristien <Knapp.Kristien@epa.gov>; Naples, Eileen <Naples.Eileen@epa.gov>; McLendon, Wanda <McLendon.Wanda@epa.gov>
Subject: loading into ROCIS and preparing signature packages for...

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Jubilation abounds!

Gerain Cogliano

OLEM's Regulatory Steering Committee Representative

Policy and Regulatory Management Team Leader
Policy Analysis and Regulatory Management Staff (PARMS)
Office of Program Management (OPM)
Office of Land and Emergency Management (OLEM)

EPA West Room 4130
Phone Number: 202-566-1929
Fax Number: 202-566-1934
Mail Code: 5103T
cogliano.gerain@epa.gov

For ADP information:

<http://intranet.epa.gov/adplibrary>
<http://intranet.epa.gov/olem/policy/index.htm>

To: Jones, Danielle Y. EOP/OMB [Ex. 6 - Personal Privacy email] Hoffman, Wendy[Hoffman.Wendy@epa.gov]
From: Cogliano, Gerain
Sent: Thur 12/1/2016 5:50:42 AM
Subject: Re: Section 7 draft is attached

You, too, I hope!

From: Jones, Danielle Y. EOP/OMB [Ex. 6 - Personal Privacy email]
Sent: Thursday, December 1, 2016 12:49 AM
To: Cogliano, Gerain; Hoffman, Wendy
Subject: RE: Section 7 draft is attached

Good night ladies and sweet dreams!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | [Ex. 6 - Personal Privacy email]

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Sent: Thursday, December 1, 2016 12:49 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Jones, Danielle Y. EOP/OMB
[Ex. 6 - Personal Privacy email]
Subject: Re: Section 7 draft is attached

I hate to say this but I have to call it a night. I'll be in the office early-ish (depending on the commute) to get the ball moving again. What am I saying...it is early morning; not night. lol

From: Hoffman, Wendy
Sent: Thursday, December 1, 2016 12:42 AM
To: Jones, Danielle Y. EOP/OMB; Cogliano, Gerain
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy - non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:] **Ex. 6 - Personal Privacy email**
Sent: Thursday, December 01, 2016 12:18 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy - non-responsive personal information

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:17 AM
To: Jones, Danielle Y. EOP/OMB < **Ex. 6 - Personal Privacy email** Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy - non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto:] **Ex. 6 - Personal Privacy email**

Sent: Thursday, December 01, 2016 12:14 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

It's the one thing that keeps me going at this point. Although, that being said,

Ex. 6 - Personal Privacy - non responsive personal information

Ex. 6 - Personal Privacy - non-responsive personal information

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Thursday, December 1, 2016 12:12 AM
To: Jones, Danielle Y. EOP/OMB <Ex. 6 - Personal Privacy email>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Just think of those gorgeous beaches in Puerto Rico and the northern lights waiting for you in Iceland....

From: Jones, Danielle Y. EOP/OMB [mailto:Ex. 6 - Personal Privacy email]
Sent: Thursday, December 01, 2016 12:09 AM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Okay. Make sure you get rest okay. I can run on fumes. My motto is "I will rest when I am dead."

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Thursday, December 1, 2016 12:08 AM

To: Jones, Danielle Y. EOP/OMB **Ex. 6 - Personal Privacy email** Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy - non-responsive personal information

From: Jones, Danielle Y. EOP/OMB [mailto: **Ex. 6 - Personal Privacy email**]

Sent: Thursday, December 01, 2016 12:05 AM

To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: RE: Section 7 draft is attached

I am drinking a coca cola to stay awake at this point. Plus I got a huge bag of chocolates for a sugar rush for when the caffeine no longer works...

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Thursday, December 1, 2016 12:02 AM

To: Jones, Danielle Y. EOP/OMB **Ex. 6 - Personal Privacy email**

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

Wendy makes a good strong cup of coffee! I certainly enjoyed the cup she made me this morning! The caffeine definitely was working throughout the day!

From: Jones, Danielle Y. EOP/OMB [Ex. 6 - Personal Privacy email]
Sent: Wednesday, November 30, 2016 11:58 PM
To: Cogliano, Gerain
Cc: Hoffman, Wendy
Subject: RE: Section 7 draft is attached

Fantastic. I also spoke with Sonya to let her know [Ex. 5 - Deliberative Process]
[Ex. 5 - Deliberative Process]
[Ex. 5 - Deliberative Process] I am going to need
a BIG cup of joe in the moring.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | [Ex. 6 - Personal Privacy email]

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Sent: Wednesday, November 30, 2016 11:57 PM
To: Jones, Danielle Y. EOP/OMB [Ex. 6 - Personal Privacy email]
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: Re: Section 7 draft is attached

Definitely! BTW, I've asked Sonya if Barnes would attend or at least be available to call in quickly, if needed.

From: Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:49 PM

To: Hoffman, Wendy; Cogliano, Gerain

Subject: RE: Section 7 draft is attached

Good night and talk to you tomorrow morning. Are you going to be on the SBAR Panel call at 9 am?

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 |

Ex. 6 - Personal Privacy email

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]

Sent: Wednesday, November 30, 2016 11:49 PM

To: Jones, Danielle Y. EOP/OMB <[REDACTED]> **Ex. 6 - Personal Privacy email** Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

My eyes are falling out of my head. I will need to throw in the towel !!

From: Jones, Danielle Y. EOP/OMB [mailto:[REDACTED]]

Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 11:44 PM

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>

Subject: RE: Section 7 draft is attached

Just did ☺ Now onto the preamble and rule!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:38 PM
To: Jones, Danielle Y. EOP/OMB <[mailto:Jones.Danielle.Y@epa.gov]> **Ex. 6 - Personal Privacy email** Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Thank goodness! Will you send it back to me tonight?

From: Jones, Danielle Y. EOP/OMB [mailto:Jones.Danielle.Y@epa.gov] **Ex. 6 - Personal Privacy email**
Sent: Wednesday, November 30, 2016 11:36 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Just looking at all of the changes. And correcting
Very few edits. **Ex. 5 - Deliberative Process**

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:35 PM
To: Jones, Danielle Y. EOP/OMB <[mailto:Jones.Danielle.Y@epa.gov]> **Ex. 6 - Personal Privacy email** Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

~~Did you take a speed reading class or are you just looking at changes? That was fast!~~

From: Jones, Danielle Y. EOP/OMB [mailto:] **Ex. 6 - Personal Privacy email**
Sent: Wednesday, November 30, 2016 11:33 PM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: RE: Section 7 draft is attached

Thanks for giving them grief Wendy! And thanks Gerain for the empathy. The good news is that I am almost finished with the RIA. Will send out shortly

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]
Sent: Wednesday, November 30, 2016 11:32 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Jones, Danielle Y. EOP/OMB
Ex. 6 - Personal Privacy email
Subject: Re: Section 7 draft is attached

So sorry, Danielle, for the lack of a redlined version. I know Wendy gave them grief for making this all that more difficult on you!

From: Hoffman, Wendy
Sent: Wednesday, November 30, 2016 11:27 PM
To: Jones, Danielle Y. EOP/OMB
Cc: Cogliano, Gerain
Subject: RE: Section 7 draft is attached

Thank goodness. I let them know that this was not what you were expecting and it's creating extra work when that's the last thing you need!

From: Jones, Danielle Y. EOP/OMB [mailto:]
Sent: Wednesday, November 30, 2016 11:20 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy email

By the way I'm in chapter 7 of the RIA. Going a lot fast with the actual redline!

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [mailto:Hoffman.Wendy@epa.gov]
Sent: Wednesday, November 30, 2016 11:18 PM
To: Jones, Danielle Y. EOP/OMB <>
Subject: RE: Section 7 draft is attached

Ex. 6 - Personal Privacy email

Ex. 5 - Deliberative Process

From: Jones, Danielle Y. EOP/OMB [mailto:]
Sent: Wednesday, November 30, 2016 10:24 PM

Ex. 6 - Personal Privacy email

To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Cogliano, Gerain
<Cogliano.Gerain@epa.gov>
Subject: RE: Section 7 draft is attached

Can you call me please. I'm in my office/cubicle.

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | **Ex. 6 - Personal Privacy email**

From: Hoffman, Wendy [<mailto:Hoffman.Wendy@epa.gov>]
Sent: Wednesday, November 30, 2016 10:01 PM
To: Jones, Danielle Y. EOP/OMB <Cogliano.Gerain@epa.gov> **Ex. 6 - Personal Privacy email** Cogliano, Gerain
Subject: RE: Section 7 draft is attached

I am taking a look now.

From: Jones, Danielle Y. EOP/OMB [<mailto:Cogliano.Gerain@epa.gov>] **Ex. 6 - Personal Privacy email**
Sent: Wednesday, November 30, 2016 9:59 PM
To: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Subject: RE: Section 7 draft is attached

Thanks for the second set of eyes Gerain.

§

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Cogliano, Gerain [mailto:Cogliano.Gerain@epa.gov]

Sent: Wednesday, November 30, 2016 9:52 PM

To: Jones, Danielle Y. EOP/OMB Ex. 6 - Personal Privacy email

Cc: Hoffman, Wendy <Hoffman.Wendy@epa.gov>

Subject: Re: Section 7 draft is attached

In the process of reading it, already found a couple of minor edits. Will finish reading.

From: Jones, Danielle Y. EOP/OMB Ex. 6 - Personal Privacy email

Sent: Wednesday, November 30, 2016 9:33 PM

To: Cogliano, Gerain; Hoffman, Wendy

Subject: FW: Section 7 draft is attached

To keep you both in the loop, I have placed a comment bubble for each edit.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Jones, Danielle Y. EOP/OMB

Sent: Wednesday, November 30, 2016 9:33 PM

To: 'Wiggins, Lanelle' <Wiggins.Lanelle@epa.gov>; kevin.bromberg@sba.gov

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>;

Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>;

Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: RE: Section 7 draft is attached

Please see my attached comments. I have added my comments and edits to Kevin's. Kevin, please review these edits as well, since I took liberty to add/modify your edits.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Danielle Y. Jones

Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | Ex. 6 - Personal Privacy email

From: Wiggins, Lanelle [mailto:Wiggins.Lanelle@epa.gov]

Sent: Wednesday, November 30, 2016 2:50 PM

To: kevin.bromberg@sba.gov; Jones, Danielle Y. EOP/OMB

Ex. 6 - Personal Privacy email

Cc: McManus, Michael J. <michael.mcmanus@sba.gov>; Barr, Linda <Barr.Linda@epa.gov>; Maresca, Charles A. <Charles.Maresca@sba.gov>; Laity, Jim A. EOP/OMB

Ex. 6 - Personal Privacy email Nickerson, William <Nickerson.William@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: Section 7 draft is attached

Attached is a draft of section 7. We have tried to include redline strikeout as much as possible.

Lanelle Bembenek Wiggins

RFA/SBREFA Team Leader

US EPA - Office of Policy (1803A) - 1200 Penn Ave NW - Washington DC - 20460

202.566.2372

Cc: Huggins, Richard[Huggins.Richard@epa.gov]; Radtke, Meghan[Radtke.Meghan@epa.gov]; Hostage, Barbara[Hostage.Barbara@epa.gov]; Noggle, William[Noggle.William@epa.gov]; Mattick, Richard[Mattick.Richard@epa.gov]
To: Johnson, Barnes[Johnson.Barnes@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]
From: Cogliano, Gerain
Sent: Wed 11/1/2017 2:31:40 PM
Subject: Re: HRM ETA

Thanks much, Barnes. This helps.

Ex. 5 - Deliberative Process

Gerain

From: Johnson, Barnes
Sent: Wednesday, November 1, 2017 10:19 AM
To: Cogliano, Gerain; Sasseville, Sonya; Foster, Barbara
Cc: Huggins, Richard; Radtke, Meghan; Hostage, Barbara; Noggle, William; Mattick, Richard
Subject: RE: HRM ETA

Thanks Gerain,

Ex. 5 - Deliberative Process

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPALand](#)

From: Cogliano, Gerain
Sent: Wednesday, November 01, 2017 10:12 AM
To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Huggins, Richard <Huggins.Richard@epa.gov>; Radtke, Meghan <Radtke.Meghan@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Mattick, Richard <Mattick.Richard@epa.gov>
Subject: HRM ETA

Good morning,

Ex. 5 - Deliberative Process

Thanks!

Gerain

Ex. 5 - Deliberative Process

To: Farber, Glenn[Farber.Glenn@epa.gov]
From: Lamson, Amy
Sent: Mon 2/13/2017 9:59:57 PM
Subject: RE: Compliance costs for the hard rock mining financial responsibility rule

Thanks!

Amy

From: Farber, Glenn
Sent: Monday, February 13, 2017 4:59 PM
To: Lamson, Amy <Lamson.Amy@epa.gov>
Subject: Compliance costs for the hard rock mining financial responsibility rule

Ex. 5 - Deliberative Process

Glenn Farber

Office of Policy, Office of the Administrator

202-566-0343

To: Owens, Nicole[Owens.Nicole@epa.gov]
From: Farber, Glenn
Sent: Tue 6/6/2017 8:32:23 PM
Subject: RE: CERCLA 108b Rule

Yes – please call me when you are available.

566-0343.

From: Owens, Nicole
Sent: Tuesday, June 06, 2017 9:01 AM
To: Farber, Glenn <Farber.Glenn@epa.gov>
Subject: FW: CERCLA 108b Rule

I have a bit of intel on this, if you want to stop by.

From: Rees, Sarah
Sent: Monday, June 05, 2017 3:59 PM
To: Owens, Nicole <Owens.Nicole@epa.gov>
Subject: FW: CERCLA 108b Rule

Do you have any intel on this?

From: Farber, Glenn
Sent: Monday, June 05, 2017 3:54 PM
To: Rees, Sarah <rees.sarah@epa.gov>
Cc: Nickerson, William <Nickerson.William@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>
Subject: RE: CERCLA 108b Rule

I've made a request, but they have not yet responded. I'll keep trying.

From: Rees, Sarah
Sent: Monday, June 05, 2017 3:52 PM
To: Farber, Glenn <Farber.Glenn@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>
Subject: RE: CERCLA 108b Rule

First I'm hearing of this. Glenn, can you check in with OLEM as to status?

From: Farber, Glenn
Sent: Monday, June 05, 2017 3:44 PM
To: Rees, Sarah <rees.sarah@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Cc: Farber, Glenn <Farber.Glenn@epa.gov>
Subject: RE: CERCLA 108b Rule

Ex. 5 - Deliberative Process

From: Farber, Glenn
Sent: Tuesday, May 30, 2017 11:48 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Subject: FW: CERCLA 108b Rule

Ex. 5 - Deliberative Process

From: Mattick, Richard
Sent: Tuesday, May 30, 2017 10:51 AM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>
Subject: FW: CERCLA 108b Rule

Sonya/all,

Please see the attached request from OMB. Please let me know what your preferred time is and a back-up. Rob and Glenn, can you do the same?

Thanks,

Rich

From: Jones, Danielle Y. EOP/OMB [mailto:Danielle_Y_Jones@omb.eop.gov]
Sent: Friday, May 26, 2017 11:34 AM
To: Mattick, Richard <Mattick.Richard@epa.gov>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: CERCLA 108b Rule

Hi Rich,

Ex. 5 - Deliberative Process

Thursday, June 1: 10:30-noon and 2:30-6 pm

Tuesday, June 6: 1-2:30

Wednesday, June 7: 1:30-3 and 4-6 pm

Thanks and have a great weekend!

Danielle Y. Jones

Senior Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741

Ex. 6 - Personal Privacy

To: Foster, Barbara[Foster.Barbara@epa.gov]
From: Sasseville, Sonya
Sent: Mon 11/14/2016 5:48:28 PM
Subject: FW: first attempt to synthesize some draft panel recommendations
Draft Panel Recommendations from Bill LB.docx

From: Barr, Linda
Sent: Wednesday, November 09, 2016 1:22 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>
Subject: RE: first attempt to synthesize some draft panel recommendations

Attached are my comments.

Linda Barr

Economist

Cleanup Programs Branch

Program Implementation and Information Division

Office of Resource Conservation and Recovery

US Environmental Protection Agency

703-605-0768

Barr.Linda@epa.gov

Location:

2777 S. Crystal Drive

Arlington, VA 22202

For Delivery:

1200 Pennsylvania Ave., NW

Mail Code 5306P

Washington, DC 20460

From: Sasseville, Sonya

Sent: Wednesday, November 09, 2016 12:01 PM

To: Barr, Linda <Barr.Linda@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>

Subject: RE: first attempt to synthesize some draft panel recommendations

No need to comment on the basic question of #4 and 5, since we've already discussed.

From: Sasseville, Sonya

Sent: Wednesday, November 09, 2016 11:55 AM

To: Barr, Linda <Barr.Linda@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>; Krueger, Anna <Krueger.Anna@epa.gov>

Subject: FW: first attempt to synthesize some draft panel recommendations

I haven't read this yet. Please let me know your thoughts as soon as possible, and don't send any further for now. Thanks.

From: Nickerson, William

Sent: Wednesday, November 09, 2016 11:32 AM

To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>

Subject: first attempt to synthesize some draft panel recommendations

Sonya,

Could you give a reaction to the attached draft recommendations by COB today? You can see that we are already under pressure from SBA and OMB to get back to them with a revised Panel report.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know when you've had a chance to look this over. Thank you.

Bill

William (Bill) Nickerson

Acting Office Director

Office of Regulatory Policy and Management

Office of Policy

Phone: (202) 566-0326

To: Foster, Barbara[Foster.Barbara@epa.gov]
From: Sasseville, Sonya
Sent: Thur 11/10/2016 10:22:36 PM
Subject: Section 7 - FW: first attempt to synthesize some draft panel recommendations
Draft Panel Recommendations from Bill.docx

As we discussed, this is the first part of SBREFA panel report to review/revise.

From: Nickerson, William
Sent: Wednesday, November 09, 2016 11:32 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Wiggins, Lanelle <Wiggins.Lanelle@epa.gov>
Subject: first attempt to synthesize some draft panel recommendations

Sonya,

Could you give a reaction to the attached draft recommendations by COB today? You can see that we are already under pressure from SBA and OMB to get back to them with a revised Panel report.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Please let me know when you've had a chance to look this over. Thank you.

Bill

William (Bill) Nickerson

Acting Office Director

Office of Regulatory Policy and Management

Office of Policy

Phone: (202) 566-0326

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]; Vyas, Peggy[Vyas.Peggy@epa.gov]
From: Palmer, Scott
Sent: Fri 11/25/2016 6:02:30 PM
Subject: RE: Action Memo

Ex. 5 - Deliberative Process

From: Sasseville, Sonya
Sent: Friday, November 25, 2016 12:33 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>; Vyas, Peggy <Vyas.Peggy@epa.gov>
Cc: Palmer, Scott <Palmer.Scott@epa.gov>
Subject: RE: Action Memo

Thanks, Scott!

From: Foster, Barbara
Sent: Friday, November 25, 2016 12:18 PM
To: Vyas, Peggy <Vyas.Peggy@epa.gov>
Cc: Palmer, Scott <Palmer.Scott@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: Action Memo

Scott is going to do the Federal Register typesetting request for both packages.

From: Chang, Patrick
Sent: Friday, November 25, 2016 12:04 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>

Cc: Vyas, Peggy <Vyas.Peggy@epa.gov>
Subject: Re: Action Memo

Peggy's on top of it!

Sent from my iPhone

On Nov 23, 2016, at 5:48 PM, Foster, Barbara <Foster.Barbara@epa.gov> wrote:

Fantastic – thanks.

From: Vyas, Peggy
Sent: Wednesday, November 23, 2016 4:59 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>; Chang, Patrick <Chang.Patrick@epa.gov>
Subject: Re: Action Memo

Yes, it went out with the FAR package back in September.

From: Foster, Barbara
Sent: Wednesday, November 23, 2016 4:24:15 PM
To: Vyas, Peggy; Chang, Patrick
Subject: Action Memo

Peggy – have you done an Action Memo for the notice?

Patrick – in case you are checking emails and Peggy isn't – have you seen an action memo for the notice?

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Foster, Barbara[Foster.Barbara@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Hoffman, Wendy
Sent: Thur 12/1/2016 8:59:39 PM
Subject: RE: HRM rule redline

That was it, thanks!

From: Foster, Barbara
Sent: Thursday, December 01, 2016 3:59 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: HRM rule redline

Ex. 5 - Deliberative Process

I think that's what you mean. If there's something else, let me know.

Thank you!

From: Hoffman, Wendy
Sent: Thursday, December 01, 2016 3:50 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: HRM rule redline

Ex. 5 - Deliberative Process

Thanks - Wendy

From: Foster, Barbara
Sent: Thursday, December 01, 2016 3:37 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>

Subject: HRM rule redline

The redline and clean version are attached.

Ex. 5 - Deliberative Process

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Foster, Barbara[Foster.Barbara@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Hoffman, Wendy
Sent: Thur 12/1/2016 8:49:36 PM
Subject: RE: HRM rule redline

Ex. 5 - Deliberative Process

Thanks - Wendy

From: Foster, Barbara
Sent: Thursday, December 01, 2016 3:37 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: HRM rule redline

The redline and clean version are attached.

Ex. 5 - Deliberative Process

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Palmer, Scott[Palmer.Scott@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Foster, Barbara[Foster.Barbara@epa.gov]
From: Radtke, Meghan
Sent: Thur 8/24/2017 11:30:40 AM
Subject: RE: Final Version of Reg Plan Responses for the 108b HRM Rule

Thanks, all!

Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Mobile: Ex. 6 - Personal Phone

From: Palmer, Scott
Sent: Wednesday, August 23, 2017 5:11 PM
To: Radtke, Meghan <Radtke.Meghan@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Final Version of Reg Plan Responses for the 108b HRM Rule

Hi Meghan,

Thanks for your patience and assistance. There's been some confusion on this one, but we got it done.

The attached submission has been reviewed and ok'd by both Sonya and Rob S., and can get sent forward to Gerain as appropriate. Please thank Gerain for her patience as well 😊 !

Have a great evening, Scott

To: McGrath, Patricia[mcgrath.patricia@epa.gov]
Cc: Foster, Barbara[Foster.Barbara@epa.gov]
From: Hanley, Jim
Sent: Thur 5/4/2017 8:21:50 PM
Subject: HRM financial assurance rule comment responses

We hear that ORCR representatives will be meeting Western Governors Association later this month, ostensibly to discuss additional extension of the comment period. Can you confirm such and

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sincerely,

James Hanley, P.E. (mining engineer)

EPA Region 8

1595 Wynkoop Street, EPR-SR

Denver, CO 80202-1129

303.312.6725 office

Ex. 6 - Personal Privacy - personal phone

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Hofmann, Lee[Hofmann.Lee@epa.gov]
Cc: Foster, Barbara[Foster.Barbara@epa.gov]
From: Shimeles, Taetaye
Sent: Fri 3/17/2017 6:46:05 PM
Subject: RE: Options for modifying the hrm rule 20 Attachment 5 notes on Barnes's input.docx

Sonya, I'm working on right now. I will try to get it done in about an hour or so.

Taetaye Shimeles

Environmental Engineer

Economics and Risk Analysis Staff
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
Phone: 703-308-8729

E-mail: shimeles.taetaye@epa.gov



From: Sasseville, Sonya
Sent: Friday, March 17, 2017 2:01 PM
To: Hofmann, Lee <Hofmann.Lee@epa.gov>; Shimeles, Taetaye <Shimeles.Taetaye@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Options for modifying the hrm rule 20 Attachment 5 notes on Barnes's input.docx

Taetaye, per our discussion, here are my rough notes from discussion with Barnes. Please let us know whether or not:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Barbara, please chime in with any additions or corrections. Thanks.

To: Foster, Barbara[Foster.Barbara@epa.gov]
Cc: ORCR IO[ORCR_IO@epa.gov]; Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Huff, Mark J[huff.markj@epa.gov]
From: Hoffman, Wendy
Sent: Thur 12/1/2016 8:38:34 PM
Subject: RE: HRM rule redline

Thank you. I will hold off on doing anything with the clean version until I hear from Danielle that she's okay with it.

From: Foster, Barbara
Sent: Thursday, December 01, 2016 3:37 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: HRM rule redline

The redline and clean version are attached.

Ex. 5 - Deliberative Process

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

Message

From: Benware, Richard [Benware.Richard@epa.gov]
Sent: 2/17/2017 2:16:42 PM
To: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
CC: Foster, Barbara [Foster.Barbara@epa.gov]; Shimeles, Taetaye [Shimeles.Taetaye@epa.gov]; Krahe, Joseph [Krahe.Joseph@epa.gov]
Subject: RE: Question re Table X-1

Rob,

Ex. 5 - Attorney Client /Deliberative Process

Best,
-Richard

From: Stachowiak, Robert
Sent: Wednesday, February 15, 2017 5:17 PM
To: Benware, Richard <Benware.Richard@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>
Subject: Question re Table X-1

Attorney-client communication
Deliberative process privileged

Hi Richard –

Ex. 5 - Attorney Client/Deliberative Process

Thanks!

-R

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

To: Foster, Barbara[Foster.Barbara@epa.gov]
From: Foster, Barbara
Sent: Tue 2/28/2017 11:03:11 PM
Subject: my notes - RE: PMCAO Questions and Ideas for Focused RIA and FR Formula/Reduction Related Analyses Needed from ERAS for the Final HRM Rule

From: Palmer, Scott
Sent: Monday, February 20, 2017 1:05 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Subject: PMCAO Questions and Ideas for Focused RIA and FR Formula/Reduction Related Analyses Needed from ERAS for the Final HRM Rule

Hi Sonya, I've worked a bit this weekend and today reviewing a bulk of the RIA, as well as the Formula and Reductions. As we discussed on Friday, below is an outline I've pulled together with a number of ideas for consideration

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

This outline should help us go to tomorrow's ERAS RIA/Formula Briefing with some concrete ideas and specific recommendations

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process I've also cc'd Linda and Mike so that we can further refine as a team. FYI – the 3 of us are also meeting tomorrow morning after the 108b Team Meeting to work more on this – so we may have some added eureka(s) for the meeting with ERAS ☺.

I've organized my ideas for consideration into logical categories. To be honest – it's quite easy to come up with a ton of options for consideration

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Tue 2/28/2017 8:57:11 PM
Subject: FW: PMCAO Questions and Ideas for Focused RIA and FR Formula/Reduction Related Analyses Needed from ERAS for the Final HRM Rule

From: Palmer, Scott
Sent: Monday, February 20, 2017 1:05 PM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Cc: Foster, Barbara <Foster.Barbara@epa.gov>; Pease, Michael <pease.michael@epa.gov>; Barr, Linda <Barr.Linda@epa.gov>
Subject: PMCAO Questions and Ideas for Focused RIA and FR Formula/Reduction Related Analyses Needed from ERAS for the Final HRM Rule

Hi Sonya, I've worked a bit this weekend and today reviewing a bulk of the RIA, as well as the Formula and Reductions. As we discussed on Friday, below is an outline I've pulled together with a number of ideas for consideration that could help

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

This outline should help us go to tomorrow's ERAS RIA/Formula Briefing with some concrete ideas and specific recommendations regarding

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

I've also cc'd Linda and Mike so that we can further refine as a team. FYI – the 3 of us are also meeting tomorrow morning after the 108b Team Meeting to work more on this – so we may have some added eureka(s) for the meeting with ERAS ☺.

I've organized my ideas for consideration into logical categories. To be honest – it's quite easy to come up with a ton of options for consideration,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]; Hoffman, Wendy[Hoffman.Wendy@epa.gov]
From: Foster, Barbara
Sent: Thur 12/1/2016 10:08:14 PM
Subject: RE: HRM rule redline

Amazingly, we caught that and Wendy is fixing it.

From: Sasseville, Sonya
Sent: Thursday, December 01, 2016 4:02 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Subject: RE: HRM rule redline

It's this sentence specifically. (I noticed it's missing a period.)

Ex. 5 - Deliberative Process

From: Hoffman, Wendy
Sent: Thursday, December 01, 2016 4:00 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: HRM rule redline

That was it, thanks!

From: Foster, Barbara
Sent: Thursday, December 01, 2016 3:59 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>

Subject: RE: HRM rule redline

Ex. 5 - Deliberative Process

I think that's what you mean. If there's something else, let me know.

Thank you!

From: Hoffman, Wendy
Sent: Thursday, December 01, 2016 3:50 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: HRM rule redline

Ex. 5 - Deliberative Process

Thanks - Wendy

From: Foster, Barbara
Sent: Thursday, December 01, 2016 3:37 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: HRM rule redline

The redline and clean version are attached.

Ex. 5 - Deliberative Process

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Hoffman, Wendy[Hoffman.Wendy@epa.gov]
Cc: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Thur 12/1/2016 8:59:13 PM
Subject: RE: HRM rule redline

Ex. 5 - Deliberative Process

I think that's what you mean. If there's something else, let me know.

Thank you!

From: Hoffman, Wendy
Sent: Thursday, December 01, 2016 3:50 PM
To: Foster, Barbara <Foster.Barbara@epa.gov>
Cc: Sasseville, Sonya <Sasseville.Sonya@epa.gov>
Subject: RE: HRM rule redline

Ex. 5 - Deliberative Process

Thanks - Wendy

From: Foster, Barbara
Sent: Thursday, December 01, 2016 3:37 PM
To: Hoffman, Wendy <Hoffman.Wendy@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Huff, Mark J <huff.markj@epa.gov>
Subject: HRM rule redline

The redline and clean version are attached.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Barbara Foster

OSWER/ORCR/PIID

703-308-7057

To: Sasseville, Sonya[Sasseville.Sonya@epa.gov]
From: Foster, Barbara
Sent: Fri 5/5/2017 10:46:25 AM
Subject: Fw: HRM financial assurance rule comment responses

I could use some help with this. Hopefully we can talk today.

From: Hanley, Jim
Sent: Thursday, May 4, 2017 4:21 PM
To: McGrath, Patricia
Cc: Foster, Barbara
Subject: HRM financial assurance rule comment responses

We hear that ORCR representatives will be meeting Western Governors Association later this month, ostensibly to discuss additional extension of the comment period. Can you confirm such and

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Sincerely,

James Hanley, P.E. (mining engineer)

EPA Region 8

1595 Wynkoop Street, EPR-SR

Denver, CO 80202-1129

303.312.6725 office

Ex. 6 - Personal Phone mobile

Message

From: Foster, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=3D2E711E357548B69B183AFC111E72C3-BFOSTER]
Sent: 7/18/2017 5:16:03 PM
To: Stachowiak, Robert [Stachowiak.Robert@epa.gov]
Subject: Priority Notice

Ex. 5 - Attorney Client

Barbara Foster
OSWER/ORCR/PIID
703-308-7057

Appointment

From: Fotouhi, David [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEBAF0D56AAB43F8A9174B18218C1182-FOTOUHI, DA]
Sent: 11/9/2017 5:31:56 PM
To: Noggle, William [Noggle.William@epa.gov]

Subject: Accepted: 108(b) - OMB/EPA/DOJ

Location: Ex. 6 - Personal Privacy Code Ex. 6 - Personal Privacy

Start: 11/9/2017 9:00:00 PM
End: 11/9/2017 10:00:00 PM
Show Time As: Busy

Message

From: Johnson, Barnes [Johnson.Barnes@epa.gov]
Sent: 5/3/2017 2:59:35 PM
To: ORCR IO [ORCR_IO@epa.gov]; OLEM ORCR DDS [OLEMORCRDDS@epa.gov]; OLEM ORCR Branch Chiefs [OLEMORCRBranchChiefs@epa.gov]
Subject: FW: Information on FY 2017 Omnibus Bill
Attachments: FY17_Omnibus_Relevant_Passages_v2.docx; FY17_Omnibus_Resources16vs17.xlsx

FYI – I thought ORCR folks would be interested in this summary information regarding the FY17 Omnibus bill that is moving forward this week. Please don't hesitate to reach out to me, Kathleen, Mark Huff or Lynn Beasley if there are any questions or concerns. Once the bill is signed into law EPA will have 30 days to develop an operating plan that reflects congressional direction.

Barnes Johnson

USEPA | Resource Conservation and Recovery | Tel 703-308-8895 |
johnson.barnes@epa.gov | [@EPAland](#)

From: Sebring, Meridith
Sent: Tuesday, May 02, 2017 4:21 PM
To: OLEM OD Deputies <OLEMODDeputies@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>; Flaks, Art <Flaks.Art@epa.gov>; Jennings, Robert <Jennings.Robert@epa.gov>; Stewart, Tracey <Stewart.Tracey@epa.gov>; Worley, Ray <Worley.ray@epa.gov>; Edwards, Christine <Edwards.Christine@epa.gov>; Quinn, Megan <Quinn.Megan@epa.gov>; Bell-Anderson, Marie <Bell-Anderson.Marie@epa.gov>; Roache, Brendan <Roache.Brendan@epa.gov>; Canino, Richard <Canino.Richard@epa.gov>; Guarneiri, Lisa <Guarneiri.Lisa@epa.gov>; Beasley, Lynn <Beasley.Lynn@epa.gov>; Maid, Scott <Maid.Scott@epa.gov>; Hockey, David <Hockey.David@epa.gov>; Burke, Maureen <Burke.Maureen@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Wilbur, Jennifer <Wilbur.Jennifer@epa.gov>; Atkinson, Ephraim <Atkinson.Ephraim@epa.gov>; Burnham, Larry <Burnham.Larry@epa.gov>
Subject: Information on FY 2017 Omnibus Bill

All,

Attached is some information on the FY 2017 Omnibus bill that was posted on the Appropriation Committee's website yesterday. Note that the bill hasn't officially passed yet, but we are not envisioning significant changes to what is available at this point. We will keep you in the loop as the process continues.

The first document is a chart showing the proposed FY 2017 Omnibus numbers by program project. We have footnoted where we made assumptions on program breakouts,. Please note that these are initial estimates, and will change as we continue with development of the FY 2017 Enacted Operating Plan.

The second document includes a summary and accompanying bill language for OLEM programs.

Please let me know if you have any questions on the attached, or would like links or PDF copies of the bill.

Meridith Sebring
OLEM/ARMS
Office: 202-566-1909

Ex. 6 - Personal Privacy

To: Huggins, Richard[Huggins.Richard@epa.gov]; Johnson, Barnes[Johnson.Barnes@epa.gov]
From: Radtke, Meghan
Sent: Wed 3/8/2017 4:57:24 PM
Subject: RE: DRAFT 3/7/17 108b meeting notes/action Items

Ex. 5 - Deliberative Process

Meghan

Meghan Radtke, Ph.D., Biologist

Special Assistant

Office of Resource Conservation and Recovery

Office of Land and Emergency Management

U.S. Environmental Protection Agency

Desk phone: 703-347-0229

Ex. 6 - Personal Privacy

From: Huggins, Richard

Sent: Wednesday, March 08, 2017 11:51 AM

To: Huggins, Richard <Huggins.Richard@epa.gov>; Radtke, Meghan
<Radtke.Meghan@epa.gov>

Subject: FW: DRAFT 3/7/17 108b meeting notes/action Items

Richard Huggins Jr.

Senior Special Assistant

Office of Resource Conservation and Recovery

U.S. Environmental Protection Agency

Desk: 703-308-0017 **Ex. 6 - Personal Privacy**

From: Huff, Mark J

Sent: Wednesday, March 8, 2017 10:51 AM

To: Johnson, Barnes <Johnson.Barnes@epa.gov>; Sasseville, Sonya
<Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>

Subject: DRAFT 3/7/17 108b meeting notes/action Items

Here's my notes from yesterday's 3/7/17 108b meeting notes/action Items. I'm sure I've missed stuff but I tried to capture the major elements- feel free to edit as needed if folks find this helpful in guiding us forward.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

To: Bowman, Liz[Bowman.Liz@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Graham, Amy
Sent: Thur 4/27/2017 9:59:50 PM
Subject: Re: CNN

Can I send this as background to the two Fox producers?

On Apr 27, 2017, at 1:38 PM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Awesome, thanks!

From: Wilcox, Jahan
Sent: Thursday, April 27, 2017 1:32 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: CNN

I will send her this ... (sending in 15 minutes)

“EPA was the poster child for regulatory overreach in the Obama Administration. Since being sworn in, Administrator Pruitt and his team have spearheaded over 22 significant regulatory reform actions, putting him at the forefront of President Trump’s vision to rollback regulations, save American jobs and promote economic growth. Our ability to give power back to the state, and protect health and the environment in a way that doesn’t impede economic growth, will only increase as more staff is brought on board.”

RESEARCH BULLETS ...

GEARING UP FOR DAY 100: Energy and environmental issues offer perhaps the most concrete accomplishments for President Donald Trump to point to as he nears the 100-day mark of his presidency. He's signed four energy-related resolutions wiping out Obama-era rules, put in place Cabinet officials dedicated to rolling back other regulations and unleashed a steady stream of executive orders and photo ops designed to reach his promise of U.S. energy independence. But whether any of this turns into a lasting legacy for Trump largely depends on what happens from here. His Cabinet lacks the political staff to follow up on his efforts undo rules like EPA's Clean Power Plan and Waters of the U.S., and there will be years of litigation over every move undoing regulations on the books. And his actions appear to have awoken scores of citizens opposed to his environmental deregulatory agenda (see below). More to come on this front as we near the actual date later this week. (Politico’s Morning Energy, 04/24/17)

An executive order was issued to rescind WOTUS. “President Trump and EPA Administrator Scott Pruitt issued an executive order to rescind or revise the 2015 Clean Water Rule: Definition of ‘Waters of the United States.’” ([Press Release](#), 02/28/17)

An executive order was issued to rescind the so-called Clean Power Plan. “Today, at the Environmental Protection Agency surrounded by American energy workers, public employees and members of Congress, President Donald Trump signed the Energy Independence Executive Order to protect thousands of jobs and strengthen energy security, while also ensuring that our policies provide clean air and clean water for all of our citizens.” ([Press Release](#), 03/28/17)

The EPA will resume cleanup at the East Chicago Superfund site. “The U.S. Environmental Protection Agency (EPA) is preparing to resume cleanup work in zones 2 and 3 of the USS Lead Superfund site in East Chicago in April. EPA has reached an agreement with several potentially responsible parties to fund part of this work valued at an estimated \$16 million -- in addition to the \$26 million already secured for work under a 2014 consent decree.” ([Press Release](#), 03/20/17)

EPA Administrator Scott Pruitt toured lead-contaminated areas in East Chicago. “During Pruitt's visit, his first to a Superfund site since being appointed administrator, he toured the Calumet neighborhood, met with local, state and federal officials, and talked with residents and community members about how the lead and arsenic contamination has affected their lives. ‘The reason I'm here is that it's important that we restore confidence to people here in this community that we're going to get it right,’ Pruitt said. The EPA's objective is to come in and make sure people's health is protected, and that their land and health are secure in the long run, Pruitt said. ‘We're committed to doing that,’ Pruitt said.” ([Chicago Tribune](#), 04/19/17)

The NAACP praised Pruitt for visiting the East Chicago Superfund Site and said they are cautiously optimistic about the EPA's Administrator. “It was the first superfund site EPA Administrator Scott Pruitt has visited -- making a trip there Wednesday -- and the agency said he was the first administrator to visit this particular site. Pruitt visited “to discuss cleanup and hear directly from East Chicago residents affected by contamination in their community,” the agency said in a press release. At a press conference, local officials praised Pruitt for visiting the site ... Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit.” ([CNN](#), 04/19/17)

EPA awarded \$100 million to upgrade drinking water in Flint, Michigan. “The U.S. Environmental Protection Agency (EPA) today awarded a \$100 million grant to the Michigan Department of Environmental Quality to fund drinking water infrastructure upgrades in Flint, Mich.” ([Press Release](#), 03/17/17)

The EPA kicks-off cleanup at the West Oakland Superfund site. “[The EPA] joined local leaders and community members in Oakland to celebrate the installation and start-up of a new groundwater and soil treatment system at the AMCO Chemical Superfund Site.” ([Press Release](#), 03/18/17)

EPA committed additional funds surround the Gold King Mine release, bringing the total

to \$29 million. “The U.S. Environmental Protection Agency (EPA) has provided over \$90,000 in additional reimbursements to five entities in Colorado and Utah for their costs incurred responding to the August 5, 2015, Gold King Mine release.” ([Press Release](#), 03/16/17)

EPA to reexamine emission standards for cars and light duty trucks. “‘These standards are costly for automakers and the American people,’ said EPA Administrator Scott Pruitt. ‘We will work with our partners at DOT to take a fresh look to determine if this approach is realistic. This thorough review will help ensure that this national program is good for consumers and good for the environment.’” ([Press Release](#), 03/15/17)

EPA Administrator seeks additional time to review RMP Rule. “Administrator Scott Pruitt signed a proposed rule this week to further delay the effective date of EPA’s Risk Management Program (RMP) Amendments to allow EPA time to complete the process for reconsidering the RMP Amendments issued on January 17, 2017.” ([Press Release](#), 03/31/17)

EPA extended the comment period on the Hard Rock Mining proposed rule that could cost businesses \$171 million annually. “The Environmental Protection Agency today issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry. The Agency has received dozens of requests to extend the comment period. EPA estimates predict the implementation of these requirements would cost American businesses up to \$171 million a year.” ([Press Release](#), 02/24/17)

From: Bowman, Liz

Sent: Thursday, April 27, 2017 1:13 PM

To: Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>

Subject: RE: CNN

Ex. 5 - Deliberative Process

From: Freire, JP

Sent: Thursday, April 27, 2017 1:03 PM

To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>

Subject: RE: CNN

You nailed this.

From: Wilcox, Jahan

Sent: Thursday, April 27, 2017 11:16 AM

To: Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>

Subject: FW: CNN

DRAFT

She believes the number of employees correlates to success. I told her that is not true and walked her through some of our accomplishments, along with the fact that Politico said the EPA was the agency for real accomplishments for the Trump Administration.

If approved I will send her this statement and these accomplishments.

“EPA was the poster child for regulatory overreach in the Obama Administration. Since being sworn in, Administrator Pruitt and his team have spearheaded over 22 significant regulatory reform actions, putting him at the forefront of President Trump’s vision to rollback regulations, save American jobs and promote economic growth. Our ability to give power back to the state, and protect health and the environment in a way that doesn’t impede economic growth, will only increase as more staff is brought on board.”

EPA IN ACTION: ACCOMPLISHMENTS WITH PRUITT’S LEADERSHIP

Ex. 5 - Deliberative Process

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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Bowman, Liz
Sent: Thursday, April 27, 2017 10:54 AM
To: Freire, JP <Freire.JP@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: CNN

We can also provide her with the list of environmental accomplishments pulled together for Earth Day

From: Freire, JP
Sent: Thursday, April 27, 2017 10:53 AM
To: Bowman, Liz <Bowman.Liz@epa.gov>
Cc: Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: CNN

Jahan, can you talk to her about her premise and flesh that out? Why does she say we are having trouble?

J.P. Freire

Environmental Protection Agency

Associate Administrator for Public Affairs

Ex. 6 - Personal Privacy

On Apr 27, 2017, at 10:51 AM, Bowman, Liz <Bowman.Liz@epa.gov> wrote:

Has anyone gotten back to Renee? I was thinking about this last night, and think we could send something like this:

Ex. 5 - Deliberative Process

From: Marsh, Rene [<mailto:Rene.Marsh@turner.com>]
Sent: Wednesday, April 26, 2017 7:09 PM
To: Press <Press@epa.gov>
Subject: CNN

Hello,

CNN will be airing a piece on the EPA in the first 100 days. We are renewing our request for info on how many political (senate confirmation and non senate confirmation) positions remain unfilled at EPA? We also want to know if its EPA's belief that the lack of appointees and positions remaining vacant under a somewhat extended hiring freeze is making it difficult for the agency to accomplish the President's large environmental agenda?

Thank you,

— René Marsh

CNN

Correspondent

Twitter: @Rene_MarshCNN

Office: 202- 777-7249

To: Wilcox, Jahan[wilcox.jahan@epa.gov]; Konkus, John[konkus.john@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Graham, Amy[graham.amy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Freire, JP
Sent: Thur 4/27/2017 7:52:53 PM
Subject: RE: DRAFT ...

Weird.



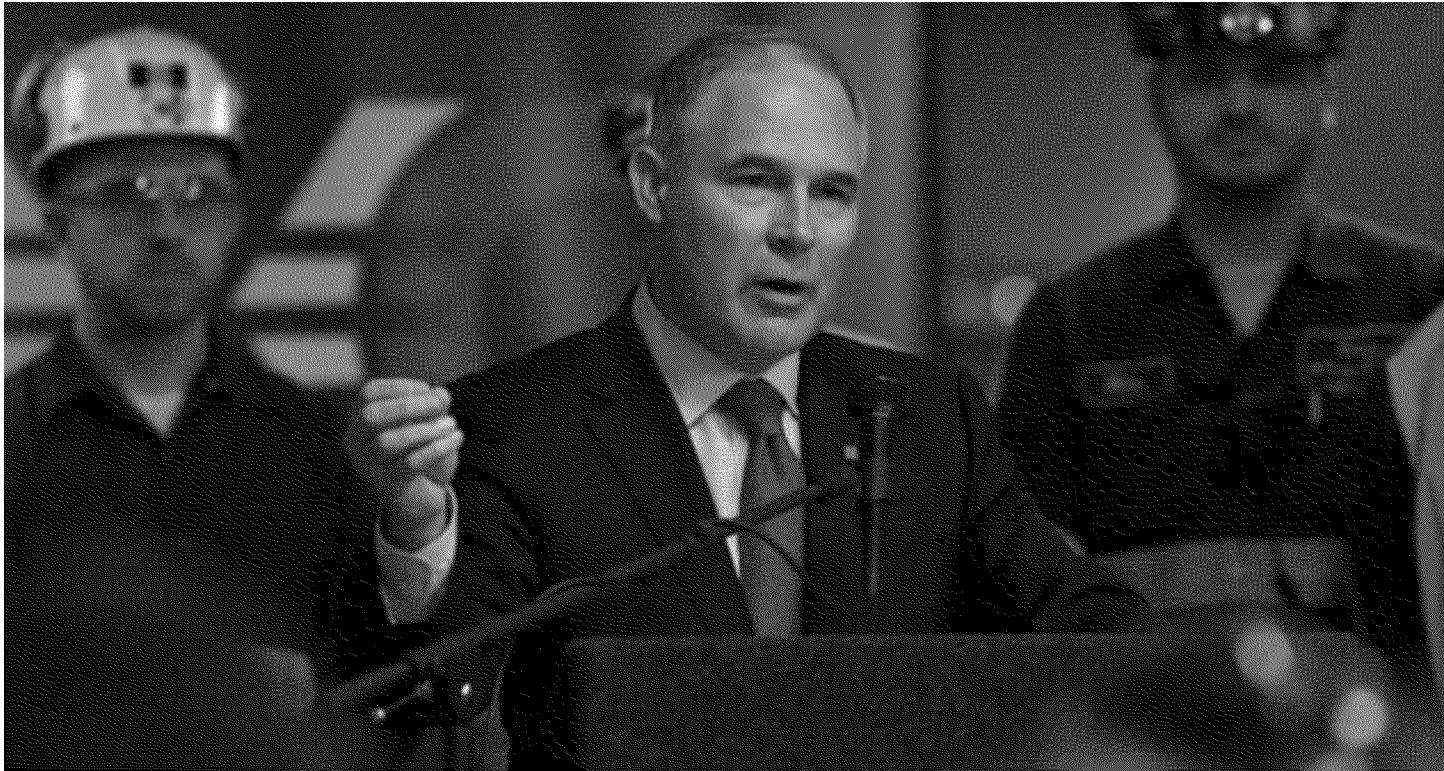
This site is restricted to conserve EPA network resources for business activities.

From: Wilcox, Jahan
Sent: Thursday, April 27, 2017 3:52 PM
To: Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: FW: DRAFT ...

I know huge -- <http://ntknetwork.com/how-scott-pruitt-is-reshaping-the-epa-in-the-first-100-days/>

How Scott Pruitt is Reshaping the EPA in the First 100 Days

In a short amount of time, Pruitt has reversed Obama-era regulations and begun serious cleanup efforts across the country...



April 27, 2017

3:00 pm

As President Trump approaches his first 100 days in office, EPA Administrator Scott Pruitt is busy racking up accomplishments that both protect Americans and save millions in taxpayer dollars.

Confirmed on February 17, Pruitt has moved quickly on a number of fronts, including:

EPA awarded \$100 million to upgrade drinking water in Flint, Michigan

Pruitt visited lead-contaminated areas in East Chicago and met with local leaders about the cleanup efforts there.

EPA announced it would begin the second phase of the \$43 million cleanup of Pompton Lakes, New Jersey, an area contaminated by mercury and lead.

Trump's executive order returned to the states the role of regulating water by rescinding a 2015 Obama executive order.

Trump also issued an executive order promoting energy independence and economic growth.

To date, President Trump has signed four energy-related resolutions that eliminate Obama-era rules and put in place necessary staff to carry out his policies. In a recent *New York Post* editorial, the board praised Pruitt's efforts:

Yes, Pruitt, like the president who appointed him, is determined to end Obama-era excesses, such as the all-pain, trivial-gain Clean Power Plan and the overreaching "Waters of the United States" rule that claimed the right to regulate even puddles.

Instead, the new administrator aims to focus the agency on actually finishing work it's been neglecting. That includes bringing more of the nation into full attainment of clean air and clean water standards. And also actually getting Superfund sites cleaned up — when many have been stalled for decades.

From: Jeff Bechdel [mailto:jbechdel@ntknetwork.com]
Sent: Thursday, April 27, 2017 3:41 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Re: DRAFT ...

We pulled a post together, based on some of this info and other stories out there. Let me know if you have any questions: <http://ntknetwork.com/how-scott-pruitt-is-reshaping-the-epa-in-the-first-100-days/>

On Thu, Apr 27, 2017 at 1:28 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

Also below are a few additional bullets ...

GEARING UP FOR DAY 100: Energy and environmental issues offer perhaps the most concrete accomplishments for President Donald Trump to point to as he nears the 100-day mark of his presidency. He's signed four energy-related resolutions wiping out Obama-era rules, put in place Cabinet officials dedicated to rolling back other regulations and unleashed a steady stream of executive orders and photo ops designed to reach his promise of U.S. energy independence. But whether any of this turns into a lasting legacy for Trump largely depends on what happens from here. His Cabinet lacks the political staff to follow up on his efforts undo rules like EPA's Clean Power Plan and Waters of the U.S., and there will be years of litigation over every move undoing regulations on the books. And his actions appear to have awoken scores of citizens opposed to his environmental deregulatory agenda (see below). More to come on this front as we near the actual date later this week. (Politico's Morning Energy, 04/24/17)

An executive order was issued to rescind WOTUS. “President Trump and EPA Administrator Scott Pruitt issued an executive order to rescind or revise the 2015 Clean Water Rule: Definition of ‘Waters of the United States.’” ([Press Release](#), 02/28/17)

An executive order was issued to rescind the so-called Clean Power Plan. “Today, at the Environmental Protection Agency surrounded by American energy workers, public employees and members of Congress, President Donald Trump signed the Energy Independence Executive Order to protect thousands of jobs and strengthen energy security, while also ensuring that our policies provide clean air and clean water for all of our citizens.” ([Press Release](#), 03/28/17)

EPA Administrator Scott Pruitt toured lead-contaminated areas in East Chicago. “During Pruitt's visit, his first to a Superfund site since being appointed administrator, he toured the Calumet neighborhood, met with local, state and federal officials, and talked with residents and community members about how the lead and arsenic contamination has affected their lives. ‘The reason I'm here is that it's important that we restore confidence to people here in this community that we're going to get it right,’ Pruitt said. The EPA's objective is to come in and make sure people's health is protected, and that their land and health are secure in the long run, Pruitt said. ‘We're committed to doing that,’ Pruitt said.” ([Chicago Tribune](#), 04/19/17)

The NAACP praised Pruitt for visiting the East Chicago Superfund Site and said they are cautiously optimistic about the EPA's Administrator. “It was the first superfund site EPA Administrator Scott Pruitt has visited -- making a trip there Wednesday -- and the agency said he was the first administrator to visit this particular site. Pruitt visited "to discuss cleanup and hear directly from East Chicago residents affected by contamination in their community," the agency said in a press release. At a press conference, local officials praised Pruitt for visiting the site ... Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit.” ([CNN](#), 04/19/17)

EPA awarded \$100 million to upgrade drinking water in Flint, Michigan. “The U.S. Environmental Protection Agency (EPA) today awarded a \$100 million grant to the Michigan Department of Environmental Quality to fund drinking water infrastructure upgrades in Flint, Mich.” ([Press Release](#), 03/17/17)

EPA committed additional funds surround the Gold King Mine release, bringing the total to \$29 million. “The U.S. Environmental Protection Agency (EPA) has provided over \$90,000 in additional reimbursements to five entities in Colorado and Utah for their costs incurred responding to the August 5, 2015, Gold King Mine release.” ([Press Release](#), 03/16/17)

EPA to reexamine emission standards for cars and light duty trucks. “‘These standards are costly for automakers and the American people,’ said EPA Administrator Scott Pruitt. ‘We will work with our partners at DOT to take a fresh look to determine if this approach is realistic. This thorough review will help ensure that this national program is good for

consumers and good for the environment.” ([Press Release](#), 03/15/17)

EPA Administrator seeks additional time to review RMP Rule. “Administrator Scott Pruitt signed a proposed rule this week to further delay the effective date of EPA’s Risk Management Program (RMP) Amendments to allow EPA time to complete the process for reconsidering the RMP Amendments issued on January 17, 2017.” ([Press Release](#), 03/31/17)

EPA extended the comment period on the Hard Rock Mining proposed rule that could cost businesses \$171 million annually. “The Environmental Protection Agency today issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry. The Agency has received dozens of requests to extend the comment period. EPA estimates predict the implementation of these requirements would cost American businesses up to \$171 million a year.” ([Press Release](#), 02/24/17)

The EPA kicks-off cleanup at the West Oakland Superfund site. “[The EPA] joined local leaders and community members in Oakland to celebrate the installation and start-up of a new groundwater and soil treatment system at the AMCO Chemical Superfund Site.” ([Press Release](#), 03/18/17)

The EPA will resume cleanup at the East Chicago Superfund site. “The U.S. Environmental Protection Agency (EPA) is preparing to resume cleanup work in zones 2 and 3 of the USS Lead Superfund site in East Chicago in April. EPA has reached an agreement with several potentially responsible parties to fund part of this work valued at an estimated \$16 million -- in addition to the \$26 million already secured for work under a 2014 consent decree.” ([Press Release](#), 03/20/17)

EPA set to oversee second phase of \$43 million cleanup of Pompton Lake. “The second phase of Pompton Lake cleanup will begin this spring and the U.S. Environmental Protection Agency (EPA) is holding a public session to discuss that work.” ([Press Release](#), 03/28/17)

From: Wilcox, Jahan

Sent: Thursday, April 27, 2017 1:20 PM

To: 'jbechdel@ntknetwork.com' <jbechdel@ntknetwork.com>

Subject: DRAFT ...

Dear Mr. Bechdel –

My name is Jahan Wilcox and I work at the EPA. With the 100 Days of the Trump Administration coming up, we were curious if Need To Know (NTK) news would like to report on the accomplishments of Scott Pruitt and the EPA?

EPA IN ACTION: ACCOMPLISHMENTS WITH PRUITT'S LEADERSHIP

- ✓ **TSCA Implementation:** Clearing the backlog of new chemicals that were waiting for approval from EPA, so they can go to market, and companies can create jobs and continue to innovate.
- ✓ **New Source Performance Standards:** Reviewing the New Source Performance Standards for coal-fired power plants, which prevents companies from building new plants.
- ✓ **Oil and Gas Methane NSPS:** EPA announced a decision to reconsider the Oil and Gas Methane New Source Performance Standards for new and modified sources, delaying a costly compliance requirement.
- ✓ **CPP:** Reviewing the so-called Clean Power Plan that threatens over 125,000 U.S. jobs.
- ✓ **Ozone Standard:** Requested delay of oral arguments on the ozone standard.
- ✓ **ELG Rule:** EPA announced the agency's decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule), which costs an estimated \$480 million annually, and about \$1.2 billion per year in the first five years of compliance.
- ✓ **Hard Rock Mining:** EPA extended the comment period on the Hard Rock Mining proposed rule that could cost American businesses \$171 million annually.
- ✓ **Coal Combustion Residuals (CCR Rule):** EPA expects provide draft guidance to the states on the CCR rule at the end of the month and begin acting on state permit applications this year. CCR rule is estimated to cost power plants between \$500 and \$745 million – per year.
- ✓ **Energy Independence EO:** Following the President's Energy Independence Executive Order, Administrator Pruitt signed three notices to review and, if appropriate, to revise or rescind major, economically significant, burdensome rules the last Administration issued.
- ✓ **CAFE Standards:** EPA rescinded an unjustified, premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards. According to the Auto Alliance, "no agency has ever set emission limits so far into the future," and this puts 1.1

million jobs at risk and cost the industry \$200 billion by 2025 to comply.

✓ **WOTUS:** EPA is restoring states' important role in the regulation of water by reviewing the "Waters of the U.S." or WOTUS. A rule with a regulatory impact analysis of between \$600 million and \$1.2 billion.

✓ **Flint, Michigan:** The Agency is allocating funds for vital environmental projects that go directly to the health of our citizens, such as providing \$100 million to upgrade drinking water infrastructure in Flint, Michigan.

✓ **Chlorpyrifos:** EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was seeking a ban on a pesticides used on 40,000 farms and 50 different crops because there was never enough science to justify the ban.

✓ **Methane ICR:** We are stopping the methane ICR by telling businesses they no longer have this additional bureaucratic burden, with the cost to American businesses attempting to comply exceeding \$42 million.

✓ **Regulatory Reform:** Launched the EPA Regulatory Reform Task Force to undergo extensive reviews of the misaligned regulatory actions from the past administration.

✓ **Risk Management Rule (RMP Rule):** EPA delayed the RMP rule to make sure that any additional regulations actually make chemical facilities safer, without duplicating regulations or opening our country up to dangerous national security threats. EPA estimates the RMP rule to cost \$131.8 million annually, or \$1.3 billion over ten years.

✓ **Superfund Sites:** We are getting real results at cleaning up Superfund sites, including: East Chicago (IN), West Oakland (CA) and Pompton Lake (NJ). First EPA Administrator to visit East Chicago site.

✓ **Water Infrastructure:** Opened the application process for EPA's WIFIA program; a low-risk loan for businesses that will provide \$1 billion in credit to finance over \$2 billion in water infrastructure investments.

✓ **Meetings with National/International Leaders:** EPA Administrator Scott Pruitt has consulted 22 bipartisan governors, 10 bipartisan members of congress, three foreign leaders, four state agriculture departments, and over a dozen bipartisan organizations.

✓ **EPA Originalism:** EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated "Superfund" site in E. Chicago, to discuss how EPA is refocusing the agency on its core mission of protecting the environment through sensible regulations developed in cooperation with state, local and tribal partners.

✓ **MATS Rule:** Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it

complies with our statutory mandate, abides by sound regulatory principles, and is in line with the pro-jobs, pro-growth directives of this Administration.

✓ **Clean Air Act/SSM SIP:** Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA's federal oversight.

EPA ACCOMPLISHMENTS: THE DETAILS

TSCA Reform Implementation: Clearing out the backlog of 'new chemical' pre-manufacture notices (PMNs) that were waiting for EPA approval. Keeps U.S. at the top of chemical innovation

- PMNs awaiting a decision by EPA date back to 2015 – well beyond the basic 90-day review period required by the law.
- The American Chemistry Council (ACC) said they need new chemicals to be approved quickly so they can “offer new product formulations to help U.S. businesses compete and win globally.”
- ACC estimates that innovation contributes to 0.19 percentage points to the overall long-term growth rate in real GDP. A one-tenth acceleration in the growth of the stock of chemistry innovation, could result in real GDP being \$60.6 billion higher in four years, supporting about 250,000 jobs.

NSPS: EPA is reviewing the New Source Performance Standards for Coal-Fired Power Plants.

- Industry and states challenged the legality of NSPS targeting the EPA's assumptions about carbon capture and sequestration (CCS) technology
- Challengers argue that NSPS makes it nearly impossible to build a new coal-fired power plant without CCS technology, restraining the industry from adding jobs and growth.
- The American Iron and Steel Institute (AISI) applauded action to revise burdensome regulations that undermine the competitiveness of U.S. steel manufacturers. AISI said that regulations such as NSPS “disproportionately impact coal-generated electricity have put the affordability and reliability of electricity for steel producers at risk.”

EPA is also reviewing the Oil and Gas Methane New Source Performance Standards for new and modified sources. Some argue that this rule is wholly unnecessary due to industry reductions in methane and is duplicative of state regulations.

- A notice of review was signed the same day as the Energy Independence Executive Order.
- As a follow-up, EPA issued a notice of reconsideration of the Rule and a delay of costly compliance deadlines to prevent unnecessary expenditures by the industry as the agency considers the rule.
- According to the American Petroleum Institute, the standards would affect “tens of thousands” of new wells each year, and cost up to \$800 million to comply.

Energy Independence Executive Order. Administrator Pruitt signed three notices to pull back and review major, economically significant, burdensome rules the last Administration issued, including: the Clean Power Plan the greenhouse gas rule for new power plants, and an rule to curb methane emissions from oil and gas producers. The Administrator also withdrew the proposed federal implementation plan and model trading rule associated with the Clean Power Plan.

- **Senate Majority Leader Mitch McConnell penned an op-ed in Fox News praising President Trump's energy executive order that will restore sanity after Obama's failed climate policies.** “I commend President Trump for sending this flawed regulatory plan, along with a number of others, back to the drawing board with Tuesday’s Energy Independence Executive Order.”
- **In New York, the editorial board at the New York Post writes that Trump’s executive order will help restore our constitutional system.** “Trump’s move not only helps the economy and delivers on a promise, it also takes a step toward restoring America’s constitutional system, in which Congress passes laws — not a dictatorial president.”

CPP: An executive order was issued to review the so-called Clean Power Plan and EPA sent letters to governors with additional guidance on implementing CPP: former President Obama's most disingenuous environmental initiative and the key component of his agenda regarding climate change.

- The CPP cost \$292 billion to our nation's economy over 10 years and double-digit electricity price increase in 40 states, yet will have no impact on climate change.

- CPP kills over 125,000 American jobs.
- Using the Obama EPA's own data, CPP results in less than 0.2% reduction in CO2 worldwide and will only prevent sea level rise that is equivalent to the thickness of two sheets of paper.
- The National Mining Association (NMA) placed 51 op-eds in 17 states, and conducted about 18 radio interviews in support of the Energy Independence Order.

Requested Delay of Oral Arguments on 2015 Ozone Standards: Justice Department attorneys asked the Court of Appeals for the District of Columbia to delay oral arguments scheduled for later this month in a lawsuit challenging the rule while the EPA reviews the regulation.

- The U.S. Chamber of Commerce says that this rule results in stymied economic development and lost job creation.
- The Chamber says that extending the deadline for implementing the 2015 Ozone Standards would be the most effective way to address implementation problems and would provide immediate relief to businesses, state and localities.

EPA announced the agency's decision to review and reconsider the final rule that amends the effluent limitations guidelines and standards for the steam electric power generating category under the Clean Water Act (ELG Rule).

- EPA estimates the ELG rule costs an estimated \$480 million annually, with an average cost of \$1.2 billion per year during the first five years of compliance.
- This is one of the most consequential rules affecting power plants and risks putting coal companies out of business.
- According to the National Rural Electric Cooperative Association these standards would especially burden small and medium sized power plants, and the cost of compliance has been significantly underestimated.

Mining Financial Assurance Rule: EPA extended the comment period on the Hard Rock Mining proposed rule that costs American businesses \$171 million annually.

- Following dozens of requests, EPA issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry.
- According to the National Association of Manufacturers (NAM), the rule could require billions of dollars of additional financial assurances for miners of things like gold, silver, iron and copper—critical materials for countless manufactured products. They say this represents billions of dollars that cannot be used for R&D or for economic growth and new jobs.
- Three House committee chairs sent a letter requesting the extended comment period to provide more time to digest the rule given that it contains more than 2,300 technical documents and, the chairs argued, was crafted with no input from states, industry experts or stakeholders.

CCR (*Coal Combustion Residuals*): EPA expects to issue the draft guidance to the states at the end of the month and begin acting on state permit applications this year.

- EPA estimates the cost of the CCR rule to be between \$500 and \$745 million annually.
- Leading Senators on the Environment and Public Works Committee have applauded states having their own permitting programs for recycling and reusing coal ash. This provides “needed certainty to industry and businesses, while ensuring the health and safety of families and communities,” according to Senator Shelley Moore Capito R-W.Va.

EPA rescinded a premature evaluation of greenhouse gas and fuel economy standards for model year 2022-2025 vehicles, and is working with DOT to conduct a collaborative and robust review of the standards.

- These standards are costly for automakers and the American people. This thorough review will help ensure that this national program is good for consumers and good for the environment.
- U.S. Rep Joe Barton (R-Texas) said, “You can make a good intellectual case to repeal CAFE and let the market handle it. If Mr. Trump is president...we’ll be back.” And Committee Chairman Fred Upton, R-Mich., said “If done wrong,” the 2025 standards will hurt consumers and carmakers “big time.”
- According to the Auto Alliance, “no agency has ever set emission limits so far into the future,” and this puts 1.1 million jobs at risk and cost the industry \$200 billion by 2025 to comply.

EPA is restoring states' important role in the regulation of water by reviewing, and if appropriate, revising or rescinding WOTUS.

- The Regulatory Impact Analysis (RIA) for WOTUS is anywhere between \$600 million and \$1.2 billion.
- The American Farm Bureau Federation says this action will help provide transparency for America's farmers and ranchers.
- EPA will propose as a first step to withdraw the WOTUS rule, reverting as an interim measure to familiar 2008 guidance (which represents the *status quo* due to the court stay of WOTUS). EPA will then, in the second step of this two-step process, promulgate a replacement rule. EPA has recently begun federalism/stakeholder outreach to explain this process to the public, states, trade groups, and other organizations.

EPA is making decisions based on public data and science by denying a petition to ban the pesticide chlorpyrifos.

- EPA denied a petition from the NRDC and the Pesticide Action Network North America, which was asking EPA to ban one of the most widely-used pesticides in the world because there was never enough science to justify the ban.
- Chlorpyrifos is used today at about 40,000 farms on about 50 different types of crops, ranging from almonds to apples.
- USDA said the decision was based on sound science and will provide Americans with access to a full range of fruits and vegetables.

Stopping Methane ICR: The EPA sent 15,000 letters to American energy producers telling them they no longer have to respond a letter that EPA sent back in November 2016 at the direction of the previous EPA Administrator.

- EPA estimated that the cost to American businesses for Pt 1 of the ICR was \$17.9 million and the cost for Pt 2 of the ICR was \$24.5 million, for a total of \$42.4 million. EPA would also have a \$800K annual burden.
- EPA businesses they no longer have this additional bureaucratic burden, so these companies and the public can save money and move closer, faster to capturing any methane from escaping into the air.

Launched EPA Regulatory Reform Task Force: We are undergoing extensive reviews of the misaligned regulatory actions from the past administration.

- Industry groups such as the American Coal Council have applauded the administration's efforts to "restore balance and fairness to the regulatory process, support job creation, strengthen energy independence and lay the foundation for rebuilding and sustaining our nation's vital coal industry."
- Our Regulatory Task Force has scheduled stakeholder meetings and consultations in all major program offices and areas to solicit input on rules that should be revisited or rescinded and those meetings are underway. We have issued a notice soliciting public comment in the Federal Register allowing the general public to weigh in on this process.

Delayed Risk Management Plan (RMP Rule). EPA delayed the RMP rule to ensure that any expansion of the RMP program is necessary to make chemical facilities safer, and doesn't subject facilities to even more burdensome, duplicative and needless regulation.

- RMP rule estimated to cost \$131.8 million annually, or \$1.3 billion over ten years, according to EPA's own estimates in the [Federal Register document](#) (pg. 4597)
- Louisiana Attorney General Jeff Landry, leading a coalition of 11 states, filed a Petition for Reconsideration on the RMP rule, explaining "This ill-advised decision subjects facilities to even more burdensome, duplicative, and needless regulation; but it also makes all of us more vulnerable to security threats."
- According to a petition filed on behalf of the RMP Coalition, consisting of relevant industry groups, this rule undermines safety, creates significant security risks, and does nothing to further prevent criminal acts that threaten facilities.

Getting real results at Superfund sites.

- Kicked-off cleanup at West Oakland (CA) Superfund site; celebrated the start-up and installation of a groundwater and soil treatment system at the AMCO Chemical Superfund site.
- "It is hard to put up with something harmful being there underground, close to your home. It is a relief to know it is going to be gone for good," said Oakland resident Queen Thurston, who was among a group of protestors that staged rallies calling for an investigation into the environmental condition of the area in the 1990s.
- Resuming cleanup and removal of contaminated soil from residences at the East

Chicago (IN) Superfund site. Reached an agreement with several potentially responsible parties to fund part of the work valued at an estimated \$16 million – in addition to the \$26 million already secured for work under a 2014 consent decree. Worked with State of Indiana to provide funding under State Revolving Loan Fund for drinking water upgrades, water filters, and bottled water.

- Overseeing the second phase of \$43 million cleanup of Pompton Lake (NJ).

Allocating funds for vital environmental projects that go directly to the health of our citizens.

- EPA awarded \$100 million to upgrade drinking water in Flint, Michigan.
- Flint Mayor Karen Weaver expressed gratitude for the funding. “The City of Flint being awarded a grant of this magnitude in such a critical time of need will be a huge benefit,” she said.
- Committed additional funds surrounding the Gold King Mine release, bringing the total investment to \$29 million.
- Awarded \$380,000 to Dine College for an abandoned uranium mine study in Arizona.
- Awarded a \$1.09 million Diesel Emissions Reduction Act (DERA) grant to the historic Gees Bend Ferry in Wilcox County, Alabama. Provides partial funding to develop the first zero-emission passenger/vehicle ferry of this type in the U.S., and the second in the world.

Opened the application process for EPA’s WIFIA program; a low-risk loan for businesses that will provide \$1 billion in credit to finance over \$2 billion in water infrastructure investments.

- This program helps private companies and commercial developers update infrastructure and invest in local economies, adding jobs through a public-private partnership.
- The program was so popular, we received 43 letters of interest, seeking \$5.4 billion in credit assistance.
- American Water Works Association members stressed that WIFIA, which makes available low-interest federal loans for large water projects, represents the perfect balance between federal assistance and local responsibility. WIFIA is being funded for the first time in 2017 at a level of \$20M, which can leverage \$1B in loans.

Since sworn in on February 17, Administrator Pruitt has met with 21 bipartisan governors, seven bipartisan Members of Congress, three leaders from other countries and over a dozen bipartisan and nonprofit organizations.

- "Canada and the U.S. can work together on a continental approach to energy and the environment that focuses on technological innovation like CCS and clean coal initiatives without tax and regulatory policies that cost jobs," said Saskatchewan Premier Brad Wall.
- "[Administrator Pruitt] clearly understands the EPA's proper role in government – educating and empowering, not proscribing and punishing. It's also refreshing to have a federal agency actually listen to a state's concerns," said Idaho Governor Butch Otter.

EPA Administrator Pruitt launched a *Back-to-Basics* agenda, touring a Pennsylvania coal mine, a Missouri power plant, and visiting a contaminated Superfund site in E. Chicago.

- As first EPA Administrator to visit the USS Lead Superfund site in East Chicago, which was listed on the National Priorities List of the worst contaminated sites in the country in 2009.
- Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit to E. Chicago.
- "This is a historic event for the state of Missouri and electric cooperatives. This is the first time that an administrator of the [EPA] has actually come to one of our energy plants in Missouri to view some of the things that we've done as electric cooperatives as far as our environmental stewardship record," says Barry Hart with the Association of Missouri Electric Cooperatives (AMEC).
- "We welcome Administrator Pruitt to Southwestern Pennsylvania and are very encouraged by the new Administration's commonsense approach in balancing the need for environmental protection, energy development and economic growth," said Jimmy Brock, CEO of CNX Coal Resources.

Given the broad-reaching economic implications of the Mercury and Air Toxics Rule (MATS rule), we are reviewing the costs of the rule to determine whether it is in line with the pro-jobs, pro-growth directives of this Administration.

- States and energy companies will no doubt celebrate the EPA's reviewing of MATS, seeing it as the next step in the Trump administration's plan to cut most federal regulations imposed during the Obama administration ... MATS has probably had the biggest impact on coal-fired power plants of any EPA regulation. A record nearly 14 gigawatts of coal-fired power was shut down in 2015 — the first year MATS went into effect.

- Industry groups such as the National Mining Association have long opposed the rule, saying that it has been responsible for shutting down numerous coal-fired power plants and eliminating jobs. “The Mercury and Air Toxics Standards has already had far-reaching and costly impacts not only on our industry but on many states and their citizens whose assurance of reliable electricity supply has been cast in doubt by this rule,” the group has argued. “EPA’s rule reflects a stunningly unbalanced approach to regulation. The agency decided to impose expensive standards for certain emissions that it never found posed a threat to public health.”

Asked the court to postpone oral arguments over an Obama-era rule making 36 states rework their Clean Air Act compliance plans, or the Start-up, Shutdown and Malfunction (SSM) Emissions requirements set by State Implementation Plans (SIP) issued pursuant to the Clean Air Act and subject to EPA’s federal oversight.

- The 2015 rule, SSM SIP call, made 36 states rewrite their plans to comply with the Clean Air Act, to remove shields for power plants and refineries emitting extra pollutants during startup, shutdown or malfunctions.
- Florida Attorney General Pam Bondi said that the EPA’s final rule is a “heavy-handed federal overreach [that] threatens to upend a system that the EPA has approved multiple times.” She said that the EPA’s “imprudent rush to settle the matter has led the agency to adopt an illegal final rule that is in conflict with the Clean Air Act and imposes on Florida’s right to determine the most effective strategy for achieving air quality standards.”
- In an opening brief, filers said the agency is improperly attempting to expand its authority. The brief was filed by a broad coalition of energy companies, utilities and industry organizations, along with several states and state agencies asking the D.C. Circuit to strike down an Obama-EPA requirement that 36 states revise emissions exemptions related to startup, shutdown and malfunction events.

Jahan Wilcox

EPA

Strategic Communications Advisor

Ex. 6 - Personal Privacy

Work Email: wilcox.jahan@epa.gov

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Jeff Bechdel

NTK Network

jbechdel@ntknetwork.com

To: Bowman, Liz[Bowman.Liz@epa.gov]; Freire, JP[Freire.JP@epa.gov]; Konkus, John[konkus.john@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Graham, Amy[graham.amy@epa.gov]
From: Wilcox, Jahan
Sent: Thur 4/27/2017 6:07:45 PM
Subject: RE: CNN

Yes

From: Bowman, Liz
Sent: Thursday, April 27, 2017 1:48 PM
To: Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: CNN

We just got another similar request on this – Jahan can you also send the final to the guy from Law360 that is in the press box (but don't copy the press box email – just let them know you will handle it).

From: Freire, JP
Sent: Thursday, April 27, 2017 1:37 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: CNN

Good. My edits.

From: Wilcox, Jahan
Sent: Thursday, April 27, 2017 1:32 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Freire, JP <Freire.JP@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: CNN

I will send her this ... (sending in 15 minutes)

“EPA was the poster child for regulatory overreach in the Obama Administration. Since being sworn in, Administrator Pruitt and his team have spearheaded over 22 significant regulatory reform actions, putting him at the forefront of President Trump’s vision to rollback regulations, save American jobs and promote economic growth. We’re not worried about our ability to give power back to the state, and protect health and the environment in a way that doesn’t impede economic growth because we’ve already made great strides, will only increase as more staff is brought on board.”

RESEARCH BULLETS ...

GEARING UP FOR DAY 100: Energy and environmental issues offer perhaps the most concrete accomplishments for President Donald Trump to point to as he nears the 100-day mark of his presidency. He's signed four energy-related resolutions wiping out Obama-era rules, put in place Cabinet officials dedicated to rolling back other regulations and unleashed a steady stream of executive orders and photo ops designed to reach his promise of U.S. energy independence. But whether any of this turns into a lasting legacy for Trump largely depends on what happens from here. His Cabinet lacks the political staff to follow up on his efforts undo rules like EPA's Clean Power Plan and Waters of the U.S., and there will be years of litigation over every move undoing regulations on the books. And his actions appear to have awoken scores of citizens opposed to his environmental deregulatory agenda (see below). More to come on this front as we near the actual date later this week. (Politico’s Morning Energy, 04/24/17)

An executive order was issued to rescind WOTUS. “President Trump and EPA Administrator Scott Pruitt issued an executive order to rescind or revise the 2015 Clean Water Rule: Definition of ‘Waters of the United States.’” ([Press Release](#), 02/28/17)

An executive order was issued to rescind the so-called Clean Power Plan. “Today, at the Environmental Protection Agency surrounded by American energy workers, public employees and members of Congress, President Donald Trump signed the Energy Independence Executive Order to protect thousands of jobs and strengthen energy security, while also ensuring that our policies provide clean air and clean water for all of our citizens.” ([Press Release](#), 03/28/17)

The EPA will resume cleanup at the East Chicago Superfund site. “The U.S. Environmental Protection Agency (EPA) is preparing to resume cleanup work in zones 2 and 3 of the USS Lead Superfund site in East Chicago in April. EPA has reached an agreement with several potentially responsible parties to fund part of this work valued at an estimated \$16 million -- in addition to the \$26 million already secured for work under a 2014 consent decree.” ([Press Release](#), 03/20/17)

EPA Administrator Scott Pruitt toured lead-contaminated areas in East Chicago. “During Pruitt's visit, his first to a Superfund site since being appointed administrator, he toured the Calumet neighborhood, met with local, state and federal officials, and talked with residents and community members about how the lead and arsenic contamination has affected their lives. ‘The reason I'm here is that it's important that we restore confidence to people here in this community

that we're going to get it right,' Pruitt said. The EPA's objective is to come in and make sure people's health is protected, and that their land and health are secure in the long run, Pruitt said. 'We're committed to doing that,' Pruitt said." ([Chicago Tribune](#), 04/19/17)

The NAACP praised Pruitt for visiting the East Chicago Superfund Site and said they are cautiously optimistic about the EPA's Administrator. "It was the first superfund site EPA Administrator Scott Pruitt has visited -- making a trip there Wednesday -- and the agency said he was the first administrator to visit this particular site. Pruitt visited "to discuss cleanup and hear directly from East Chicago residents affected by contamination in their community," the agency said in a press release. At a press conference, local officials praised Pruitt for visiting the site ... Barbara Bolling-Williams, state president of the Indiana branch of the NAACP, said she is cautiously optimistic following Pruitt's visit." ([CNN](#), 04/19/17)

EPA awarded \$100 million to upgrade drinking water in Flint, Michigan. "The U.S. Environmental Protection Agency (EPA) today awarded a \$100 million grant to the Michigan Department of Environmental Quality to fund drinking water infrastructure upgrades in Flint, Mich." ([Press Release](#), 03/17/17)

The EPA kicks-off cleanup at the West Oakland Superfund site. "[The EPA] joined local leaders and community members in Oakland to celebrate the installation and start-up of a new groundwater and soil treatment system at the AMCO Chemical Superfund Site." ([Press Release](#), 03/18/17)

EPA committed additional funds surround the Gold King Mine release, bringing the total to \$29 million. "The U.S. Environmental Protection Agency (EPA) has provided over \$90,000 in additional reimbursements to five entities in Colorado and Utah for their costs incurred responding to the August 5, 2015, Gold King Mine release." ([Press Release](#), 03/16/17)

EPA to reexamine emission standards for cars and light duty trucks. "'These standards are costly for automakers and the American people,' said EPA Administrator Scott Pruitt. 'We will work with our partners at DOT to take a fresh look to determine if this approach is realistic. This thorough review will help ensure that this national program is good for consumers and good for the environment.'" ([Press Release](#), 03/15/17)

EPA Administrator seeks additional time to review RMP Rule. "Administrator Scott Pruitt signed a proposed rule this week to further delay the effective date of EPA's Risk Management Program (RMP) Amendments to allow EPA time to complete the process for reconsidering the RMP Amendments issued on January 17, 2017." ([Press Release](#), 03/31/17)

EPA extended the comment period on the Hard Rock Mining proposed rule that could cost businesses \$171 million annually. "The Environmental Protection Agency today issued a 120-day extension of the comment period related to proposed financial responsibility requirements for the hard rock mining industry. The Agency has received dozens of requests to extend the comment period. EPA estimates predict the implementation of these requirements would cost American businesses up to \$171 million a year." ([Press Release](#), 02/24/17)

From: Bowman, Liz
Sent: Thursday, April 27, 2017 1:13 PM
To: Freire, JP <Freire.JP@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: CNN

Ex. 5 - Deliberative Process

From: Freire, JP
Sent: Thursday, April 27, 2017 1:03 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: CNN

You nailed this.

From: Wilcox, Jahan
Sent: Thursday, April 27, 2017 11:16 AM
To: Freire, JP <Freire.JP@epa.gov>; Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)>; Konkus, John <konkus.john@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: FW: CNN

DRAFT

She believes the number of employees correlates to success. I told her that is not true and walked her through some of our accomplishments, along with the fact that Politico said the EPA was the agency for real accomplishments for the Trump Administration.

If approved I will send her this statement and these accomplishments.

“EPA was the poster child for regulatory overreach in the Obama Administration. Since being sworn in, Administrator Pruitt and his team have spearheaded over 22 significant regulatory reform actions, putting him at the forefront of President Trump’s vision to rollback regulations, save American jobs and promote economic growth. Our ability to give power back to the state, and protect health and the environment in a way that doesn’t impede economic growth, will only increase as more staff is brought on board.”

Ex. 5 - Deliberative Process

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Sent: Thursday, April 27, 2017 10:54 AM

To: Freire, JP <Freire.JP@epa.gov>

Cc: Konkus, John <konkus.john@epa.gov>; Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>

Subject: RE: CNN

We can also provide her with the list of environmental accomplishments pulled together for Earth Day

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Subject: Re: CNN

Jahan, can you talk to her about her premise and flesh that out? Why does she say we are having trouble?

J.P. Freire

Environmental Protection Agency

Associate Administrator for Public Affairs

Ex. 6 - Personal Privacy

On Apr 27, 2017, at 10:51 AM, Bowman, Liz <[Bowman.Liz@epa.gov](mailto: Bowman.Liz@epa.gov)> wrote:

Has anyone gotten back to Renee? I was thinking about this last night, and think we could send something like this:

Ex. 5 - Deliberative Process

From: Marsh, Rene [<mailto: Rene.Marsh@turner.com>]
Sent: Wednesday, April 26, 2017 7:09 PM
To: Press <[Press@epa.gov](mailto: Press@epa.gov)>
Subject: CNN

Hello,

CNN will be airing a piece on the EPA in the first 100 days. We are renewing our request for info on how many political (senate confirmation and non senate confirmation) positions remain unfilled at EPA? We also want to know if its EPA's belief that the lack of appointees and positions remaining vacant under a somewhat extended hiring freeze is making it difficult for the agency to accomplish the President's large environmental agenda?

Thank you,

— René Marsh

CNN

Correspondent

Twitter: @Rene_MarshCNN

Office: 202- 777-7249

Message

From: Healy, Helena [Healy.Helena@epa.gov]
Sent: 5/22/2017 2:03:47 PM
To: Kulpan, Bruce [Kulpan.Bruce@epa.gov]
CC: Patterson, Kenneth [Patterson.Kenneth@epa.gov]; Worthman, Gary [Worthman.Gary@epa.gov]; Luzecky, Hollis [Luzecky.Hollis@epa.gov]
Subject: RE: State Meeting

This is the Region 4 State Superfund Director meeting. It starts tomorrow and I am presenting on Wednesday. I only need a few bullets about the status of the rule. I'll send you Anita's question . .

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Hollis is working on talking points. Can you please provide a little more background on the State DD meeting and when it is.
Thanks,
Bruce

Sent from my iPhone

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Subject: RE: State Meeting

What exactly and when is this state meeting?
Thanks,
Hollis

*Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217*

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Cc: "Previ, Caroline" <Previ.Caroline@epa.gov>, "Patterson, Kenneth" <Patterson.Kenneth@epa.gov>
Subject: RE: State Meeting

Ken

Helena needs your assistance. Please provide her the info she is requesting.

Sent from my Windows Phone

From: Healy, Helena
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To: DeLeon, Rafael; Davis, Anita
Cc: Previ, Caroline
Subject: RE: State Meeting

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Subject: RE: State Meeting

Ok. Helena can remind folks of the comment period being extended. I don't remember the exact duration of the extension. It's public info.

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Cc: DeLeon, Rafael; Previ, Caroline
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Subject: Re: State Meeting

Ok. Can you add 108(b) also

Sent from my iPhone

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Subject: Re: State Meeting

Ok. Can you add 108(b) also

Sent from my iPhone

On May 18, 2017, at 2:59 PM, Healy, Helena <Healy.Helena@epa.gov> wrote:

I just met with Cyndy Mackey and she does not want me to do powerpoint slides for the presentation. I am just going to prepare very general talking points about accelerating cleanups and reuse.

Message

From: Kulpan, Bruce [Kulpan.Bruce@epa.gov]
Sent: 5/22/2017 1:58:09 PM
To: Healy, Helena [Healy.Helena@epa.gov]
CC: Patterson, Kenneth [Patterson.Kenneth@epa.gov]; Worthman, Gary [Worthman.Gary@epa.gov]; Luzecky, Hollis [Luzecky.Hollis@epa.gov]
Subject: Fwd: State Meeting

Helena,
Hollis is working on talking points. Can you please provide a little more background on the State DD meeting and when it is.
Thanks,
Bruce

Sent from my iPhone

Begin forwarded message:

From: "Luzecky, Hollis" <Luzecky.Hollis@epa.gov>
Date: May 22, 2017 at 7:27:31 AM MDT
To: "Kulpan, Bruce" <Kulpan.Bruce@epa.gov>, "Patterson, Kenneth" <Patterson.Kenneth@epa.gov>
Subject: RE: State Meeting

What exactly and when is this state meeting?
Thanks,
Hollis

*Hollis Luzecky, Attorney-Advisor
Office of Site Remediation Enforcement
US Environmental Protection Agency
1200 Pennsylvania Ave NW, Washington, DC 20460
Mail Code: 2272A / Phone: 202-564-4217*

From: Kulpan, Bruce
Sent: Monday, May 22, 2017 9:22 AM
To: Patterson, Kenneth <Patterson.Kenneth@epa.gov>
Cc: Luzecky, Hollis <Luzecky.Hollis@epa.gov>
Subject: Re: State Meeting

Hollis,
I would suggest calling Barbara Foster. Maybe she has already developed talking points for Barnes that we can use,
Bruce

Sent from my iPhone

On May 22, 2017, at 7:03 AM, Patterson, Kenneth <Patterson.Kenneth@epa.gov> wrote:

Bruce, Hollis: please take care of this ASAP.

Sent from my iPhone

Begin forwarded message:

From: "DeLeon, Rafael" <DeLeon.Rafael@epa.gov>
Date: May 22, 2017 at 8:57:43 AM EDT
To: "Healy, Helena" <Healy.Helena@epa.gov>, "Davis, Anita" <Davis.Anita@epa.gov>
Cc: "Previ, Caroline" <Previ.Caroline@epa.gov>, "Patterson, Kenneth" <Patterson.Kenneth@epa.gov>
Subject: RE: State Meeting

Ken

Helena needs your assistance. Please provide her the info she is requesting.

Sent from my Windows Phone

From: Healy, Helena
Sent: 5/21/2017 7:41 PM
To: DeLeon, Rafael; Davis, Anita
Cc: Previ, Caroline
Subject: RE: State Meeting

Rafael – This is a Superfund State Directors meeting so Barnes is not attending. Do you want to assign someone to write me a few talking points regarding 108(b) status? Helena

From: DeLeon, Rafael
Sent: Sunday, May 21, 2017 7:59 AM
To: Davis, Anita <Davis.Anita@epa.gov>
Cc: Healy, Helena <Healy.Helena@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
Subject: RE: State Meeting

Ok. Helena can remind folks of the comment period being extended. I don't remember the exact duration of the extension. It's public info.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hope this helps.

Sent from my Windows Phone

From: Davis, Anita
Sent: 5/20/2017 10:10 AM
To: DeLeon, Rafael
Cc: Healy, Helena; Previ, Caroline
Subject: Re: State Meeting

I meant the plan to proceed was issued to in December. The Region and our states would be interested in status and next steps if Hqs feels it appropriate. I didn't know the comment period was extended as an

example.

Sent from my iPhone

On May 19, 2017, at 6:20 PM, DeLeon, Rafael <DeLeon.Rafael@epa.gov> wrote:

I'm not sure what we're talking about here.

The 108 b rule was out for public comment. The public comment period was extended by this administration.

I don't know what guidance is being referenced.

Sent from my Windows Phone

From: [Davis, Anita](#)
Sent: 5/19/2017 4:42 PM
To: [Healy, Helena](#)
Cc: [DeLeon, Rafael](#); [Previ, Caroline](#)
Subject: RE: State Meeting

The public comment period on what? That was open last summer and it closed. I understood that the final guidance document was issued in December 2016 and that the guidance was slated for full implementation by 2017/18. Florida provided comments so it may come up.

From: Healy, Helena
Sent: Friday, May 19, 2017 3:48 PM
To: Davis, Anita <Davis.Anita@epa.gov>
Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
Subject: RE: State Meeting

Anita – I checked with Cyndy and the only thing going on right now with 108(b) is that it is out for public comment. Helena

From: Davis, Anita
Sent: Friday, May 19, 2017 2:32 PM
To: Healy, Helena <Healy.Helena@epa.gov>
Cc: DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Previ, Caroline <Previ.Caroline@epa.gov>
Subject: Re: State Meeting

Ok. Can you add 108(b) also

Sent from my iPhone

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Message

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Sent: 5/22/2017 1:21:33 PM
To: Patterson, Kenneth [Patterson.Kenneth@epa.gov]
CC: Luzecky, Hollis [Luzecky.Hollis@epa.gov]
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Cc: "Previ, Caroline" <Previ.Caroline@epa.gov>, "Patterson, Kenneth" <Patterson.Kenneth@epa.gov>
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Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Hope this helps.

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Sent from my iPhone

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I just met with Cyndy Mackey and she does not want me to do powerpoint slides for the presentation. I am just going to prepare very general talking points about accelerating cleanups and reuse.

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Lewis, Jen
Sent: Mon 7/31/2017 4:51:16 PM
Subject: RE: In re Idaho Conservation League

Ok. Let me know when you hear back. I'll let David know you reached out.

Jen Lewis

Deputy Associate General Counsel

Solid Waste and Emergency Response Law Office

(202) 564-2097

From: Stachowiak, Robert
Sent: Monday, July 31, 2017 12:42 PM
To: Lewis, Jen <Lewis.Jen@epa.gov>
Subject: FW: In re Idaho Conservation League

Last I have from DOJ

From: Sullivan, John (ENRD) [<mailto:John.Sullivan3@usdoj.gov>]
Sent: Friday, July 28, 2017 4:53 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: In re Idaho Conservation League

Monday morning is fine.

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Friday, July 28, 2017 4:42 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Subject: Re: In re Idaho Conservation League

Ex. 5 - Attorney Client / Attorney Work Product

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Jul 28, 2017, at 4:40 PM, Sullivan, John (ENRD) <John.Sullivan3@usdoj.gov> wrote:

Do you expect to hear back today?

John

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Friday, July 28, 2017 4:38 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Cc: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: Re: In re Idaho Conservation League

Ex. 5 - Attorney Client / Attorney Work Product

Thanks again!

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

(202) 564-0580

On Jul 28, 2017, at 4:13 PM, Sullivan, John (ENRD) <John.Sullivan3@usdoj.gov> wrote:

Thanks Rob.

I'll get it filed with that revision.

John

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Friday, July 28, 2017 3:50 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Cc: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Subject: Re: In re Idaho Conservation League

Thanks again!

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Jul 28, 2017, at 3:49 PM, O'Donnell, Jessica (ENRD)
<Jessica.O'Donnell@usdoj.gov> wrote:

I don't have any other comments.

Jessica O'Donnell

Senior Counsel for Appellate Matters

Environmental Defense Section

202.305.0851

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]

Sent: Friday, July 28, 2017 3:45 PM

To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>

Subject: RE: In re Idaho Conservation League

OK – I'm trying to close the loop on this over here. I should have asked on our call earlier

Ex. 5 - Attorney Client / Attorney Work Product

Thanks!

Ex. 5 - Attorney Client / Attorney Work Product

From: O'Donnell, Jessica (ENRD) [<mailto:Jessica.O'Donnell@usdoj.gov>]

Sent: Friday, July 28, 2017 12:53 PM

To: Sullivan, John (ENRD) <John.Sullivan3@usdoj.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>

Subject: RE: In re Idaho Conservation League

That works for me. John, I will walk over to your office. Rob, please call John.

Jessica O'Donnell

Senior Counsel for Appellate Matters

Environmental Defense Section

202.305.0851

From: Sullivan, John (ENRD)
Sent: Friday, July 28, 2017 12:48 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: In re Idaho Conservation League

How about 1:00.

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Friday, July 28, 2017 12:34 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: In re Idaho Conservation League

Would you be available at 1:00 or 1:15 to talk about this?

Thanks!

-R

From: Sullivan, John (ENRD) [<mailto:John.Sullivan3@usdoj.gov>]
Sent: Friday, July 28, 2017 8:41 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: In re Idaho Conservation League

Rob,

Ex. 5 - Attorney Client / Attorney Work Product

Let me know what you think.

John

Sent from my iPhone

On Jul 28, 2017, at 7:34 AM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi John – Right now

Ex. 5 - Attorney Client / Attorney Work Product

Ex. 5 - Attorney Client / Attorney Work Product

Hope this helps.

-R

From: Sullivan, John (ENRD) [<mailto:John.Sullivan3@usdoj.gov>]
Sent: Thursday, July 27, 2017 5:03 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: In re Idaho Conservation League

Hi Rob.

We are reviewing the draft Status Report now.

Ex. 5 - Attorney Client / Attorney Work Product

Ex. 5 - Attorney Client / Attorney Work Product

John

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Thursday, July 27, 2017 2:56 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: In re Idaho Conservation League

Attorney-client communication

Attorney work product

Hi John –

Ex. 5 - Attorney Client / Attorney Work Product

Thank you, and please let me know if you have any questions or need anything else.

-Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

Message

From: Lewis, Jen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ECD7B39BA6F14334BC308B9A3BC2AE5F-JLUE]
Sent: 7/28/2017 12:49:45 PM
To: Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Openchowski, Charles [openchowski.charles@epa.gov]
Subject: Re: In re Idaho Conservation League

Ex. 5 - Attorney Client / Attorney Work Product

Jen Lewis
U.S. EPA Office of General Counsel
Solid Waste and Emergency Response Law Office
(202) 564-2097

From: Stachowiak, Robert
Sent: Friday, July 28, 2017 8:45 AM
To: Lewis, Jen; Openchowski, Charles
Subject: FW: In re Idaho Conservation League

Ex. 5 - Attorney Client / Attorney Work Product

From: Sullivan, John (ENRD) [mailto:John.Sullivan3@usdoj.gov]
Sent: Friday, July 28, 2017 8:41 AM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: In re Idaho Conservation League

Rob,

Ex. 5 - Attorney Client / Attorney Work Product

Let me know what you think.

John

Sent from my iPhone

On Jul 28, 2017, at 7:34 AM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Hi John – Right now

Ex. 5 - Attorney Client / Attorney Work Product

Ex. 5 - Attorney Client / Attorney Work Product

Hope this helps.

-R

From: Sullivan, John (ENRD) [mailto:John.Sullivan3@usdoj.gov]
Sent: Thursday, July 27, 2017 5:03 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: In re Idaho Conservation League

Hi Rob.

We are reviewing the draft Status Report now. **Ex. 5 - Attorney Client / Attorney Work Product**

Ex. 5 - Attorney Client / Attorney Work Product

John

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Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: In re Idaho Conservation League

Attorney-client communication
Attorney work product

Hi John –

Ex. 5 - Attorney Client / Attorney Work Product

Thank you, and please let me know if you have any questions or need anything else.

-Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

Message

From: Malcolm, Alyssa [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9F44B118BB6B46DD9B9369E229B34C19-CULTICE, AL]
Sent: 5/2/2017 1:16:36 PM
To: Benware, Richard [Benware.Richard@epa.gov]
Subject: RE: Regional Assistance for Hardrock Mining Rule (Draft for Review)

Yes, please. As always, I'll try to keep you in the loop if my availability changes. I need to telework all day today. I'm sorry I won't be at the Barnes briefing in person to help.

Alyssa (Cultice) Malcolm
(703) 308-8610

From: Benware, Richard
Sent: Tuesday, May 02, 2017 9:11 AM
To: Malcolm, Alyssa <Malcolm.Alyssa@epa.gov>
Subject: RE: Regional Assistance for Hardrock Mining Rule (Draft for Review)

Thanks. Also - should we just call you at 10:30?

From: Malcolm, Alyssa
Sent: Tuesday, May 02, 2017 9:11 AM
To: Benware, Richard <Benware.Richard@epa.gov>
Subject: RE: Regional Assistance for Hardrock Mining Rule (Draft for Review)

My thoughts in blue.

Alyssa (Cultice) Malcolm
(703) 308-8610

From: Benware, Richard
Sent: Monday, May 01, 2017 2:20 PM
To: Malcolm, Alyssa <Malcolm.Alyssa@epa.gov>
Subject: Regional Assistance for Hardrock Mining Rule (Draft for Review)

Hi All,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

At this point, we ask that you confirm that you received this email and would be able to participate in this 1 hour meeting?. During the meeting we will discuss the participation required of you if you choose to participate. We appreciate any help you can give us. Please let Richard, Alyssa, and I know if you have any questions. Thank you for your time.

Patty

TO: Carr, Lofton <Carr.Lofton@epa.gov>; Costanzi, Frances <Costanzi.Frances@epa.gov>; Jenkins, Joy <Jenkins.Joy@epa.gov>; TBD Zortman & Landusky RPM

CC: Malcolm, Alyssa <Malcolm.Alyssa@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>

To: Benware, Richard[Benware.Richard@epa.gov]
From: Malcolm, Alyssa
Sent: Tue 5/2/2017 1:10:37 PM
Subject: RE: Regional Assistance for Hardrock Mining Rule (Draft for Review)

My thoughts in blue.

Alyssa (Cultice) Malcolm
(703) 308-8610

From: Benware, Richard
Sent: Monday, May 01, 2017 2:20 PM
To: Malcolm, Alyssa <Malcolm.Alyssa@epa.gov>
Subject: Regional Assistance for Hardrock Mining Rule (Draft for Review)

Hi All,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

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Patty

TO: Carr, Lofton <Carr.Lofton@epa.gov>; Costanzi, Frances <Costanzi.Frances@epa.gov>; Jenkins, Joy <Jenkins.Joy@epa.gov>; TBD Zortman & Landusky RPM

CC: Malcolm, Alyssa <Malcolm.Alyssa@epa.gov>; Benware, Richard <Benware.Richard@epa.gov>

To: Owens, Nicole[Owens.Nicole@epa.gov]
From: Rees, Sarah
Sent: Mon 6/5/2017 7:58:40 PM
Subject: FW: CERCLA 108b Rule

Do you have any intel on this?

From: Farber, Glenn
Sent: Monday, June 05, 2017 3:54 PM
To: Rees, Sarah <rees.sarah@epa.gov>
Cc: Nickerson, William <Nickerson.William@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>
Subject: RE: CERCLA 108b Rule

I've made a request, but they have not yet responded. I'll keep trying.

From: Rees, Sarah
Sent: Monday, June 05, 2017 3:52 PM
To: Farber, Glenn <Farber.Glenn@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>
Subject: RE: CERCLA 108b Rule

First I'm hearing of this. Glenn, can you check in with OLEM as to status?

From: Farber, Glenn
Sent: Monday, June 05, 2017 3:44 PM
To: Rees, Sarah <rees.sarah@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Cc: Farber, Glenn <Farber.Glenn@epa.gov>
Subject: RE: CERCLA 108b Rule

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

From: Farber, Glenn
Sent: Tuesday, May 30, 2017 11:48 AM
To: Rees, Sarah <rees.sarah@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>
Subject: FW: CERCLA 108b Rule

Ex. 5 - Deliberative Process

From: Mattick, Richard
Sent: Tuesday, May 30, 2017 10:51 AM
To: Sasseville, Sonya <Sasseville.Sonya@epa.gov>; Foster, Barbara <Foster.Barbara@epa.gov>
Cc: ORCR IO <ORCR_IO@epa.gov>; Hostage, Barbara <Hostage.Barbara@epa.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>; Huff, Mark J <huff.markj@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>
Subject: FW: CERCLA 108b Rule

Sonya/all,

Please see the attached request from OMB. Please let me know what your preferred time is and a back-up. Rob and Glenn, can you do the same?

Thanks,

Rich

From: Jones, Danielle Y. EOP/OMB [mailto:Danielle_Y_Jones@omb.eop.gov]
Sent: Friday, May 26, 2017 11:34 AM
To: Mattick, Richard <Mattick.Richard@epa.gov>
Cc: Cogliano, Gerain <Cogliano.Gerain@epa.gov>
Subject: CERCLA 108b Rule

Hi Rich,

Ex. 5 - Deliberative Process

Thursday, June 1: 10:30-noon and 2:30-6 pm

Tuesday, June 6: 1-2:30

Wednesday, June 7: 1:30-3 and 4-6 pm

Thanks and have a great weekend!

Danielle Y. Jones

Senior Policy Analyst

Office of Management and Budget

Phone: (202) 395-1741 | djones@omb.eop.gov

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
Cc: Lewis, Jen[Lewis.Jen@epa.gov]; Openchowski, Charles[openchowski.charles@epa.gov]; O'Donnell, Jessica (ENRD)[Jessica.O'Donnell@usdoj.gov]
From: Sullivan, John (ENRD)
Sent: Fri 7/28/2017 12:41:16 PM
Subject: Re: In re Idaho Conservation League

Rob,

Ex. 5 - Attorney Client/Attorney Work Product

Let me know what you think.

John

Sent from my iPhone

On Jul 28, 2017, at 7:34 AM, Stachowiak, Robert <Stachowiak.Robert@epa.gov> wrote:

Ex. 5 - Attorney Client/Attorney Work Product

Hope this helps.

-R

From: Sullivan, John (ENRD) [mailto:John.Sullivan3@usdoj.gov]
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Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: In re Idaho Conservation League

Hi Rob.

Ex. 5 - Attorney Client/Attorney Work Product

John

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Thursday, July 27, 2017 2:56 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>
Subject: In re Idaho Conservation League

Attorney-client communication

Attorney work product

Hi John –

Ex. 5 - Attorney Client/Attorney Work Product

Thank you, and please let me know if you have any questions or need anything else.

-Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Sullivan, John (ENRD)
Sent: Mon 7/31/2017 7:58:31 PM
Subject: RE: In re Idaho Conservation League

Will do.

John

From: Stachowiak, Robert [mailto:Stachowiak.Robert@epa.gov]
Sent: Monday, July 31, 2017 3:58 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Cc: Lewis, Jen <Lewis.Jen@epa.gov>
Subject: RE: In re Idaho Conservation League

Hi John –

We just got the OK from the Administrator's office to file the report. Please go ahead.

Thanks again.

-R

From: Sullivan, John (ENRD) [mailto:John.Sullivan3@usdoj.gov]
Sent: Monday, July 31, 2017 3:52 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: In re Idaho Conservation League

Thanks, Rob. I incorporated it.

John

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Monday, July 31, 2017 3:23 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Subject: RE: In re Idaho Conservation League

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If you need me to incorporate this into a new draft, just let me know.

I'll be in touch later today.

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From: Sullivan, John (ENRD) [<mailto:John.Sullivan3@usdoj.gov>]
Sent: Friday, July 28, 2017 4:12 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: RE: In re Idaho Conservation League

Thanks Rob.

I'll get it filed with that revision.

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From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Friday, July 28, 2017 3:50 PM
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Cc: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Subject: Re: In re Idaho Conservation League

Thanks again!

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
[1200 Pennsylvania Ave., N.W.](#)
[Washington, D.C. 20460](#)
[\(202\) 564-0580](#)

On Jul 28, 2017, at 3:49 PM, O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov> wrote:

I don't have any other comments.

Jessica O'Donnell

Senior Counsel for Appellate Matters

Environmental Defense Section

202.305.0851

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
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To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
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Thanks!

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From: O'Donnell, Jessica (ENRD) [<mailto:Jessica.O'Donnell@usdoj.gov>]
Sent: Friday, July 28, 2017 12:53 PM
To: Sullivan, John (ENRD) <John.Sullivan3@usdoj.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: In re Idaho Conservation League

That works for me. John, I will walk over to your office. Rob, please call John.

Jessica O'Donnell

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Environmental Defense Section

202.305.0851

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To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
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How about 1:00.

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202.305.0851

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Thanks!

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Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>

Subject: Re: In re Idaho Conservation League

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Ex. 5 - Attorney Client/Attorney Work Product

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Ex. 5 - Attorney Client/Attorney Work Product

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Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>

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Attorney-client communication
Attorney work product

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-Rob S.

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Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
From: Sullivan, John (ENRD)
Sent: Fri 7/28/2017 8:52:59 PM
Subject: RE: In re Idaho Conservation League

Monday morning is fine.

From: Stachowiak, Robert [mailto:Stachowiak.Robert@epa.gov]
Sent: Friday, July 28, 2017 4:42 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Subject: Re: In re Idaho Conservation League

I hope so but I said that we'd give you all the go ahead on Monday morning if I hadn't heard. Is that too late?

Robert Stachowiak

U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Jul 28, 2017, at 4:40 PM, Sullivan, John (ENRD) <John.Sullivan3@usdoj.gov> wrote:

Do you expect to hear back today?

John

From: Stachowiak, Robert [mailto:Stachowiak.Robert@epa.gov]
Sent: Friday, July 28, 2017 4:38 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Cc: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: Re: In re Idaho Conservation League

Please hold off for now - I gave my contact in our Administrator's office a deadline of Monday morning and I haven't heard back yet.

Thanks again!

Robert Stachowiak

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Washington, D.C. 20460
(202) 564-0580

On Jul 28, 2017, at 4:13 PM, Sullivan, John (ENRD) <John.Sullivan3@usdoj.gov> wrote:

Thanks Rob.

I'll get it filed with that revision.

John

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Friday, July 28, 2017 3:50 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
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Subject: Re: In re Idaho Conservation League

Thanks again!

Robert Stachowiak

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Office of General Counsel (2366A)

1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

On Jul 28, 2017, at 3:49 PM, O'Donnell, Jessica (ENRD)
<Jessica.O'Donnell@usdoj.gov> wrote:

I don't have any other comments.

Jessica O'Donnell

Senior Counsel for Appellate Matters

Environmental Defense Section

202.305.0851

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Sent: Friday, July 28, 2017 3:45 PM

To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Sullivan, John
(ENRD) <JSullivan@ENRD.USDOJ.GOV>

Subject: RE: In re Idaho Conservation League

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Ex. 5 - Attorney Client/Attorney Work Product

From: O'Donnell, Jessica (ENRD) [<mailto:Jessica.O'Donnell@usdoj.gov>]
Sent: Friday, July 28, 2017 12:53 PM
To: Sullivan, John (ENRD) <John.Sullivan3@usdoj.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
Subject: RE: In re Idaho Conservation League

That works for me. John, I will walk over to your office. Rob, please call John.

Jessica O'Donnell

Senior Counsel for Appellate Matters

Environmental Defense Section

202.305.0851

From: Sullivan, John (ENRD)
Sent: Friday, July 28, 2017 12:48 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: In re Idaho Conservation League

How about 1:00.

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Attorney-client communication

Attorney work product

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1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
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To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]
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Sent: Fri 7/28/2017 8:39:12 PM
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That works for me. John, I will walk over to your office. Rob, please call John.

Jessica O'Donnell

Senior Counsel for Appellate Matters

Environmental Defense Section

202.305.0851

From: Sullivan, John (ENRD)
Sent: Friday, July 28, 2017 12:48 PM
To: Stachowiak, Robert <Stachowiak.Robert@epa.gov>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: In re Idaho Conservation League

How about 1:00.

From: Stachowiak, Robert [<mailto:Stachowiak.Robert@epa.gov>]
Sent: Friday, July 28, 2017 12:34 PM
To: Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>; O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>
Subject: RE: In re Idaho Conservation League

Would you be available at 1:00 or 1:15 to talk about this?

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Cc: Lewis, Jen <Lewis.Jen@epa.gov>; Openchowski, Charles <openchowski.charles@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>
Subject: Re: In re Idaho Conservation League

Rob,

Ex. 5 - Attorney Client/Attorney Work Product

Let me know what you think.

John

Sent from my iPhone

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Ex. 5 - Attorney Client/Attorney Work Product

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Attorney-client communication

Attorney work product

Hi John –

Ex. 5 - Attorney Client/Attorney Work Product

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Thank you, and please let me know if you have any questions or need anything else.

-Rob S.

Robert Stachowiak
U.S. Environmental Protection Agency
Office of General Counsel (2366A)
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460
(202) 564-0580

To: Stachowiak, Robert[Stachowiak.Robert@epa.gov]; Sullivan, John (ENRD)[John.Sullivan3@usdoj.gov]
From: O'Donnell, Jessica (ENRD)
Sent: Fri 7/28/2017 7:48:10 PM
Subject: RE: In re Idaho Conservation League

I don't have any other comments.

Jessica O'Donnell

Senior Counsel for Appellate Matters

Environmental Defense Section

202.305.0851

From: Stachowiak, Robert [mailto:Stachowiak.Robert@epa.gov]
Sent: Friday, July 28, 2017 3:45 PM
To: O'Donnell, Jessica (ENRD) <JODonnell@enrd.usdoj.gov>; Sullivan, John (ENRD) <JSullivan@ENRD.USDOJ.GOV>
Subject: RE: In re Idaho Conservation League

OK – I'm trying to close the loop on this over here. I should have asked on our call earlier – DOJ won't have any other comments besides this one, correct?

Thanks!

Ex. 5 - Attorney Client/Attorney Work Product

From: O'Donnell, Jessica (ENRD) [mailto:Jessica.O'Donnell@usdoj.gov]

Sent: Friday, July 28, 2017 12:53 PM
To: Sullivan, John (ENRD) <John.Sullivan3@usdoj.gov>; Stachowiak, Robert <Stachowiak.Robert@epa.gov>
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Attorney-client communication

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Sent: Fri 7/28/2017 4:52:37 PM
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